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CALIFORNIA Journal

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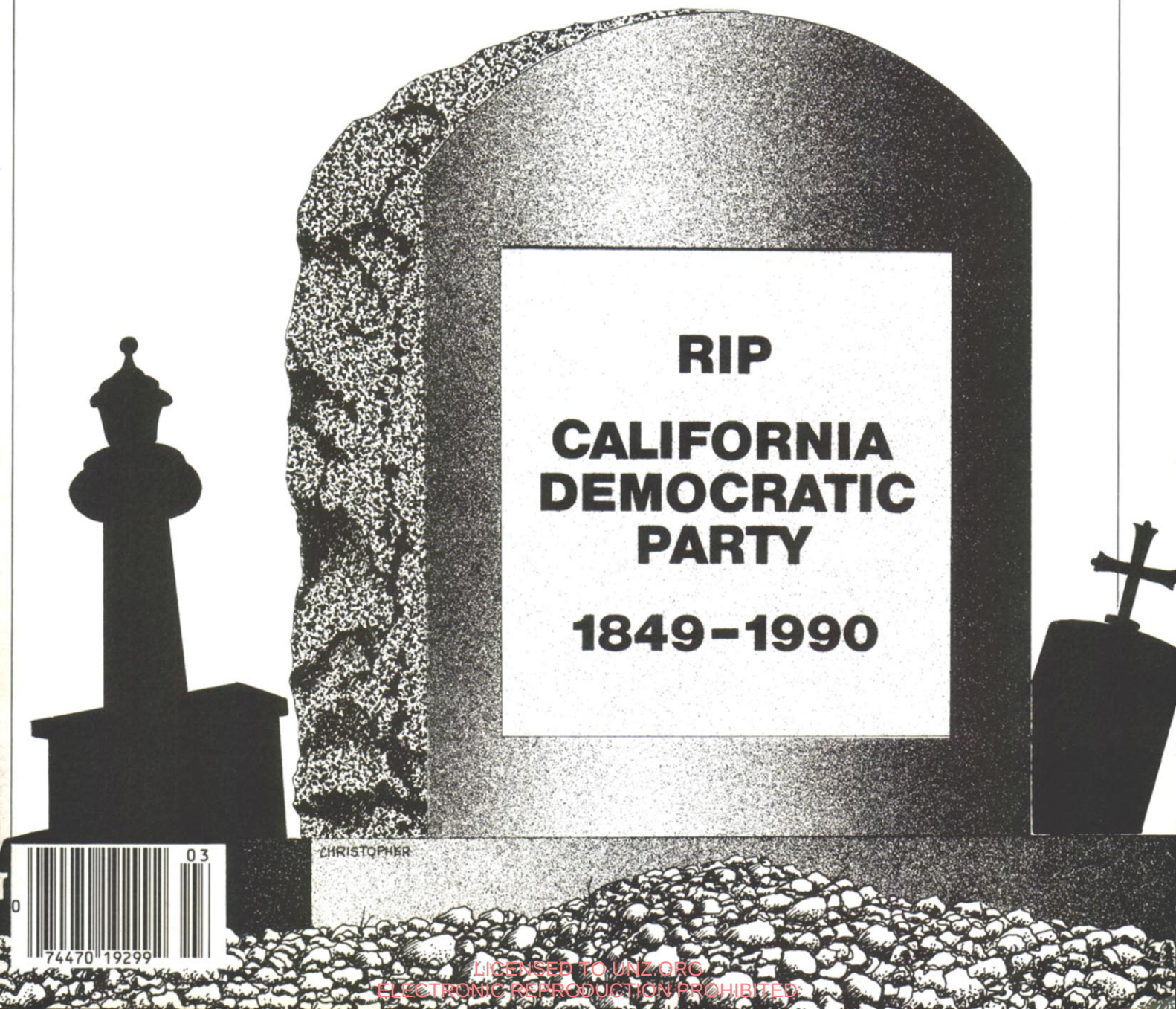

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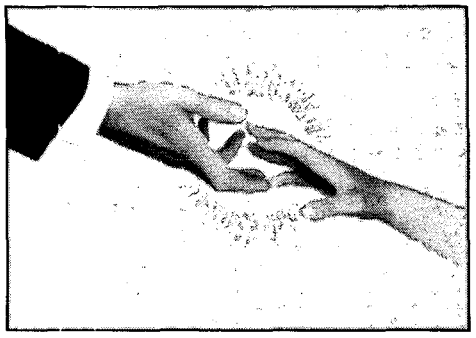

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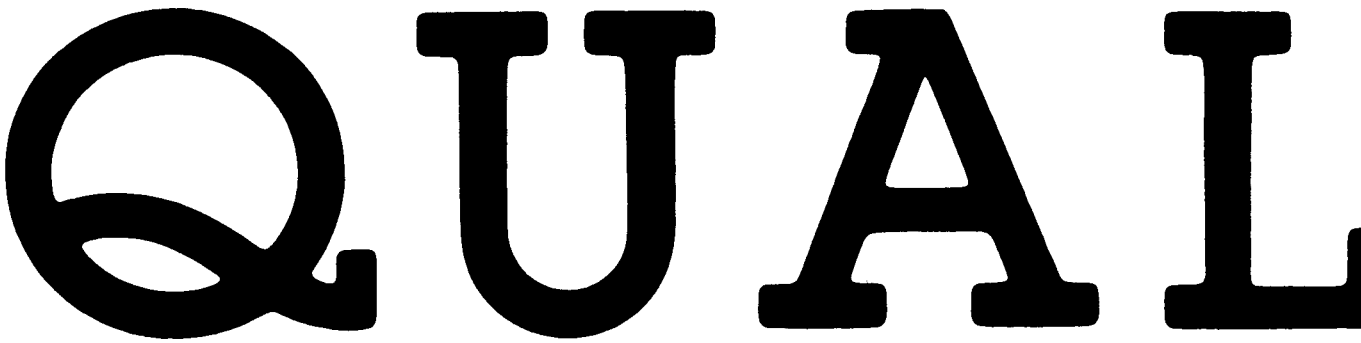

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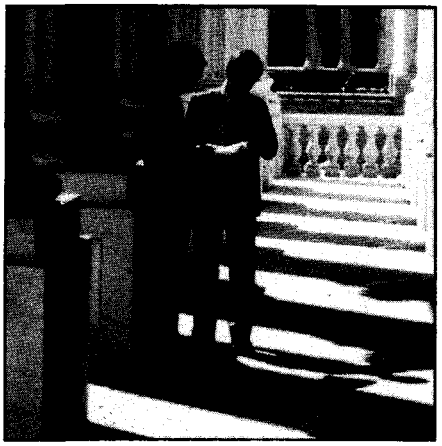

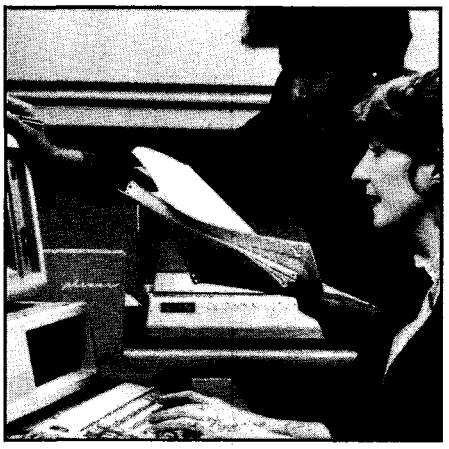

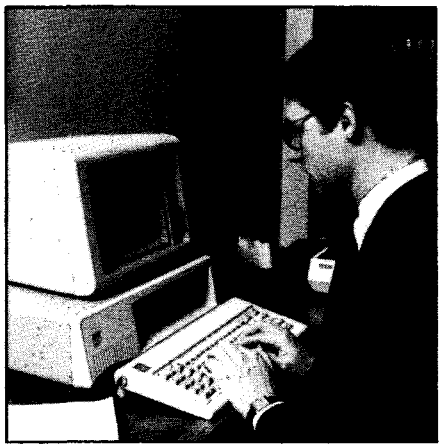

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CALIFORNIA Journal

VOLUME XVIII, NUMBER 3 MARCH 1987

Whither the state's Democrats? 120

Is the California Democratic Party alive and healthy, or is it struggling to maintain its status as the state's majority party?

By Richard Zeiger

Democrats and the death penalty 125

The move by several leading state Democrats from anti- to pro-death penalty positions threatens to split the party.

By Michael Kroll

The Political Action Handbook

This third edition of California's Journal's *guide to legislative basics, designed to help ordinary citizens participate successfully in the state's law-making process, has been extensively revised to reflect changes in the laws and traditions that regulate that process.*

Tom Hannigan 144

As he steps into his new job as Assembly majority leader, some Legislature-watchers wonder whether Tom Hannigan's "Gary Cooper-like" personality and style will be up to the job.

By A. G. Block

Barry Keene 145

Although personally a bit of an enigma, state Senate Majority Leader Barry Keene has secured a reputation as a precise and scholarly legislator and the Senate's primary critic of Governor George Deukmejian.

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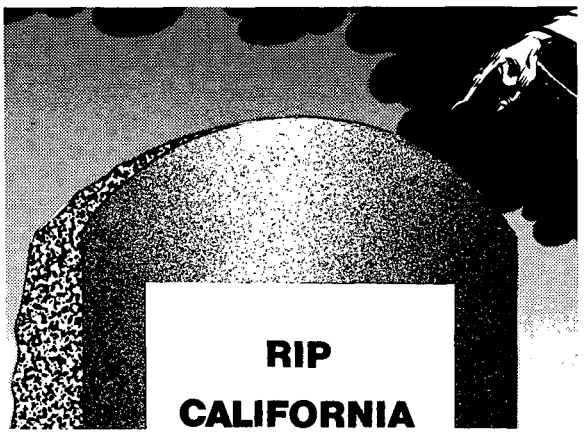

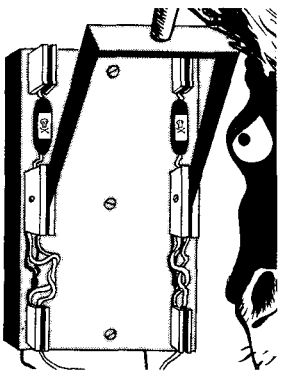

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UP FRONT

Where is Ernie Konnyu, now that we really need him? Konnyu, the former Republican assemblyman from Saratoga, has moved on to Congress but his legacy for giving out spicy awards endures in the Assembly. Konnyu for years bestowed an annual series of "Barracuda Awards" to lobbyists, colleagues and administration types he deemed the most difficult to deal with. Now, there has been a rush to fill the award vacuum created by Konnyu's departure. But the new versions lack Konnyu's sense of humor. For instance, Democratic Assemblyman Lloyd Connelly of Sacramento has created the "Medi-Cal Casualty of the Week Award" to tweak the Deukmejian administration over recently-announced cuts to Medi-Cal providers. Assembly Minority Leader Pat Nolan has instituted a "Jabbering Jackass" award for the Democrat who Nolan says promotes the month's worst idea. Tom Bates of Berkeley got the first one for suggesting the state National Guard be replaced by a coalition of civilians, police officers and prison inmates.

How to make friends. The newest state senator — feisty, independent Quentin L. Kopp of San Francisco — in his first month on the job has made it abundantly clear that he intends to be as much a maverick in Sacramento as he was in his hometown. His first bills introduced would ban the transfer of campaign money among elected officials — a time-honored practice that shores up the leadership of both houses — and place a limit on how much could be received from any one contributor. In this case, $1000 for a state Senate candidate. He also put in a bill prohibiting the use of the state Seal on campaign literature.

In the meantime, Kopp has held his first fund-raising event since moving up in the world. You guessed it, a $2000-per-plate event that was solicited on stationery that contains — you guessed again — the state Seal. These seeming contradictions haven't deterred the Senate's leadership from wooing their house's only independent. Both David Roberti and Jim Nielsen were co-hosts of the Kopp event.

Only the legislative counsel's office has figured out what to do with Kopp and his flurry of reformist legislation. The counsel numbered Kopp's bill to bring local government under the provisions of Proposition 65 (the toxic clean-up act approved by voters last November) BS269.

"This little bear will bring you good cheer
Whenever you feel glum
This legislative year."

So wrote the Assembly's budding poet laureate — freshman Democrat Jackie Speier of Redwood City. For Valentine's Day, Speier sent each member of the Legislature a snowy teddy, accompanied by a poem touting her bill on health care

for children. The poem contained a personal note for Speaker Willie Brown who had given money and campaign support to Speier's primary opponent last June: "In accepting this bear and the poem I wrote, I ask you this favor — don't turn it into a coat!!" The bears were provided by a toy company headquartered in Speier's district.

Third closet on the left. That's where you'll find freshman Congressman Wally Herger, the Republican from Rio Oso. His new digs are located on the sixth floor of the Longworth House Office Building in Washington and contain a reception area, a corner for his administrative aide and a cubbyhole for himself. He acquired these plush surroundings by finishing dead last among 46 freshmen members in a recent lottery to determine office assignments. "When you're at the bottom of the draw with 46 lots, what the other 45 don't want is what you end up with," said a philosophical Herger.

At least Herger *has* an office. Freshman Assemblyman Tim Leslie of Sacramento survived the first month without so much as a cubicle to call his own. Leslie, a Republican, was a victim of the Legislature's game of musical offices which saw much of the newer portion of the state Capitol remodeled.

(Alan Friedenthal, Washington)

Governor George Deukmejian can't escape schools' chief Bill Honig — even in Japan. While visiting a Japanese high school, the governor's attention was diverted by a message scrawled on a blackboard: "Bill Honig was here." Deukmejian, whose skin is paper-thin when it comes to barbs hurled his way by Honig, was not amused. "I hope he learned something," the governor grumped.

(Deborah Pacyna, Sacramento)

Every now and then, we come across some governmental entity with a name like the aftermath of a train wreck. This month, it's the "Greater Anaheim Special Education Local Plan Area Joint Powers Agreement Board." Wonder if its letterhead fits in a letter?

Now he knows how Ed Zschau feels. Poor Alan Cranston. Here he was, one of the few bright lights for state Democrats last November, and they seem to have forgotten all about him. During last month's state convention, party officials on one document called him Alan Cranson. On another, Alan Craston.

The rumor is confirmed that Larry Thomas, George Deukmejian's press secretary and the only one in the entire administration with a sense of humor, will leave for Washington to become press secretary to Vice President George Bush. He will replace Marlin Fitzwater who was named the new press secretary to President Reagan. Thomas spent some of the last election season denying he was going to depart this year.

Is Merksamer next? The other rumor going around is that Deukmejian's alter-ego, Chief of Staff Steve Merksamer, is also departing soon to start his own law firm. If both he and Thomas leave, Deukmejian will have to do without all of the major political ad-

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visors that got him to the governor's office in the first place and helped make his first term sucessful. The other close advisors — Michael Franchetti, Doug Watts and Sal Russo — all left, for various reasons, before the first term ended.

Some unexpected opposition has surfaced against Governor Deukmejian's plan to eliminate funding for Cal-OSHA and transfer its enforcement functions to the federal government. Democratic Assemblyman Phil Isenberg of Sacramento recently received an urgent plea from a resident of Santa Barbara, urging Isenberg to help save Cal-OSHA. The letter was written on behalf of the United Farm Workers, the Armenian Association and the League of Women Voters and was signed by Paul Reagan — brother of President Ron.

Phone number of the month: the attorney general's Campaign Against Marijuana Planting — CAMP, for short. The phone number is 739-2269, which spells s-e-x-c-a-m-p.

(Bob Aldrich, Sacramento)

Spiro who? In "Washington Perspective" last month, we referred to U.S. Senator Robert Dole as the Republican's 1972 vice-presidential candidate, with former President Gerald Ford at the top of the ticket. This was probably news to Spiro Agnew and his '72 running mate — Richard Nixon. Dole and Ford ran in '76.

Come across a blurb lately that's nosy, newsy or smart-alecky about California government, politics or politicians? Share it with the Journal. *We pay up to $25 for entertaining tidbits published in "Up Front," so rush your items to Up Front, 1714 Capitol Avenue, Sacramento, 95814. Sorry, submissions cannot be returned.*

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— Mohandas Gandhi

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ROSTRUM

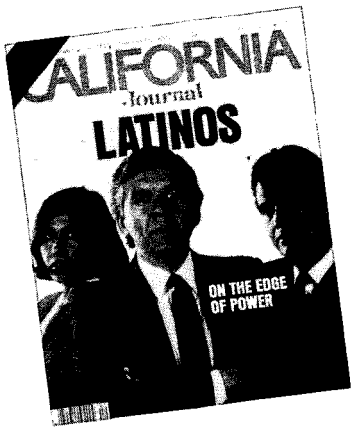
Bleeding stone

Other than the fact that your math skills are poor and your list of conservative-versus-liberal votes is bizarre, everything else you are doing is alright. By my count I voted "liberal" in your opinion five times out of 41 issues that came before me. I calculate this at 12 percent liberal. In addition, your list includes the notorious rent-control bill which imposes state wide standards of rent control — a policy which I regard as distinctly liberal in nature. My opposition to the bill reflects my opposition to government control of rents which is the conservative position albeit not the establishment position. Of course, I would not be happy no matter where you placed me on this scale. Labels are of limited value at best.

BILL LEONARD
Assemblyman, 61st District
Redlands

Latinos

Concerning your series on Latinos (*CJ*, January 1987), it often seems as though the media only writes about minorities in so-called "series," then we are



never heard from again.

One could easily conclude from reading the articles that the only influential Latino politicans in the state are in East Los Angeles. What about state Senators Ruben Ayala of San Bernardino and Joe Montoya of El Monte, Congressman Esteban Torres of Pico Rivera, and Assemblymen Charles Calderon of Montebello and Pete Chacon of San Diego? None of these Latinos were mentioned.

There is more to Latino politics than the Eastside power struggle between Los Angeles City Councilman Richard Alatorre and state Senator Art Torres

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and newly-elected Los Angeles City Councilwoman Gloria Molina. In fact, the Montoyas, Ayalas and Chacons are probably more in tune politically to the overall Latino community than are the so-called Eastside leaders. Eastside politicians tend to be more liberal on issues affecting Latinos in general and are more apt to represent the views of Latino political activists and not the Chicanos who live in Hacienda Heights, West Covina, Pico Rivera, Monterey Park and so on. In years to come, Latino politicians who emerge as leaders will come from these middle-class communities because those Latinos are moderates and not liberals.

Finally, the article on Senator Torres indicates the senator was upset when asked to pose in front of a backdrop that resembled the Mexican flag. I would also be upset. While many of us feel proud of our Mexican heritage, we are Americans first. I don't believe the *Journal* would ask Jewish politicians to pose in front of the Israeli flag or blacks in front of an African flag. But I still noticed you couldn't resist portraying Latinos in a bullring. These "tio tico" images are not uncommon in the media because most journalists continue to view Latinos with Anglo eyes.

ALBERT FRIAS
Pico Rivera

Mental health

In J.S. Taub's article on caring for the mentally ill (*CJ*, February 1987), arguments about the involuntary commitment law were well stated. However, there were a few technical errors. For instance, schizophrenia is referred to as "the most common of mental illnesses." Schizophrenia occurs in less than 2 percent of the population, and that statistic has remained constant for many years. The most common mental illness is depression. According to data from the Department of Mental Health and Human Services, nearly 25 percent of the population will experience at least one major depressive episode.

Schizophrenia and manic depression are also erroneously linked together. Schizophrenia is a chronic, debilitating illness. Once afflicted, schizophrenics have great difficulty living a regular life with employment and friends. Yet manic depressives are often able to gain complete control of themselves through appropriate medication.

Also, the article refers to the "California Council for the Mentally Ill." The council is called "California Council on Mental Health."

JOAN REISS
Executive director
Mental Health Association,
Sacramento-Placer

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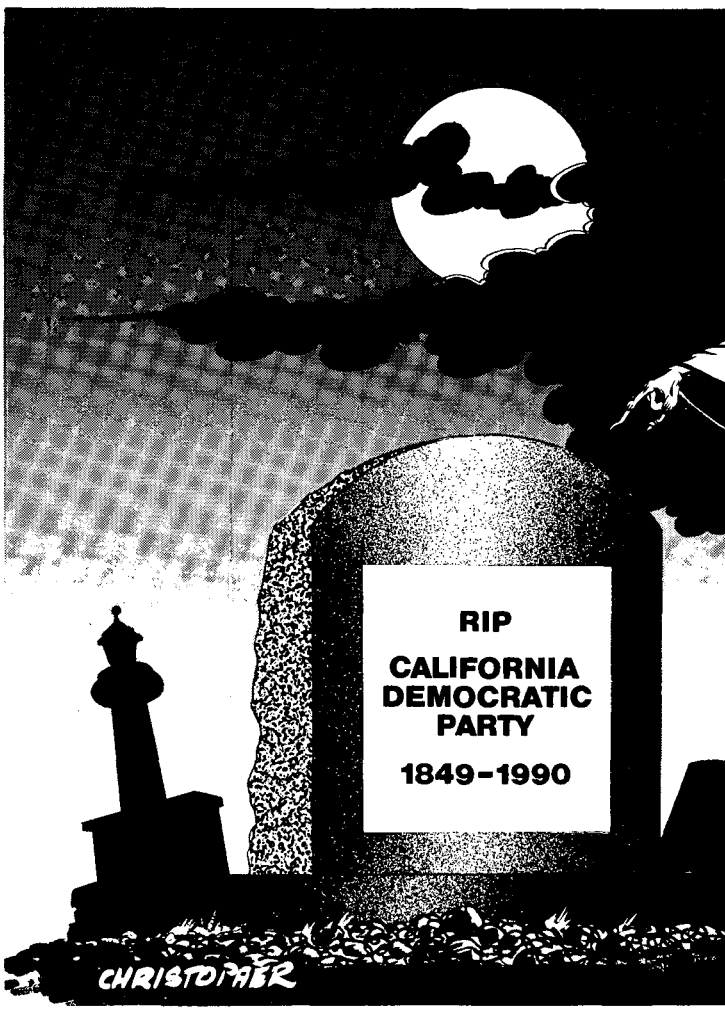

Political winds are fickle, and the politician who tries to navigate with his finger in the air can easily go astray. But there seems to be some agreement among California Democrats and Republicans that the state's electorate has shifted and that the wind for some time has been at the backs of the GOP. It is the Democrats who must tack.

A substantial faction of the Democrats, of course, maintain nothing is wrong. These party members note that they still control both houses of the state Legislature, and the 1982 reapportionment creates a formidable barrier for Republicans. Alan Cranston managed to hold on to his U.S. Senate seat, if barely, and Democrat Gray Davis won by a substantial margin the only open statewide election when he beat Republican William Campbell to become state controller. They are heartened by President Reagan's decreased standing with the public in the wake of the Iran-Contra controversy and by the solid Democratic showing in contests throughout the country for the U.S. Senate. In addition, Democrats in California seem blessed with a large crop of attractive candidates ready to move up the political ladder.

But there are also signs the Democrats' hold on California government is eroding. Democrats last November lost three seats in the state Assembly and two in the Senate, giving them the smallest margin of control since 1972. Republican Governor George Deukmejian crushed the challenge of Democrat Tom Bradley, a man who only four years before had lost by the smallest margin in state history. The percentage of voters who register Democratic has dropped steadily for 10 years and now stands at only 52 percent, a figure likely inflated by the state's policy of not purging from election rolls those who fail to vote in general elections. Perhaps more important, for the first time ever in 1985 pollster Mervin Field found that more Californians consider themselves Republicans than Democrats. It was only 10 years ago that 27 percent more voters called themselves Democrats rather than Republican.

Probably most party stalwarts see no long-term problem from these statistics, or they dwell instead on signs pointing the other way. Certainly the legislative leadership believes it can maintain control without making a major change in course. "The Democratic Party is alive, healthy and well," insists Assembly Speaker Willie Brown.

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But as a result of these shifts in voter loyalty, an increasing number of party faithful are calling for a shift in the party's traditional liberal bent. As long ago as 1978, and in the wake of property tax-slashing Proposition 13, some in the party pushed for an embrace of fiscal restraint. And during last month's Democratic state convention, a group of Democratic lawmakers published an "open letter" to party colleagues urging tougher enforcement of the state's death-penalty law. There was also a call by some in the party — including out-going party chairman Betty Smith, Assemblyman Tom Hayden and Lieutenant Governor Leo McCarthy — to open up the state's party primary to independent voters, a prospect made possible by a recent federal court decision (see *CJ*, February 1987).

Although the liberals in the party still control the caucuses in both the Assembly and Senate, there are signs the conservatives in both houses are gaining greater sway. Democrats in the Senate have formed a "conservative caucus," and Senate President pro Tempore David Roberti responded to their implied threat to his leadership by making Senator Dan Boatwright, an influential member of that caucus, chairman of the powerful Senate Appropriations Committee, as well as by giving in to other demands from the group. In the Assembly, legislation that in the past would have been bottled up in committee, including some changes to the death-penalty statutes, has managed to see the light of day.

Some in the party are being driven to the new positions by the fear that, if they do not change, they will be left behind.

"Do you want the Democratic Party to be a principled party, or a majority party? I see no point in seeking to be a minority party," said Hayden, who in the past was viewed as a bulwark of the liberal wing but who has been moving steadily right over the years and is now among the signers of the open letter.

Hayden brought to the Democrats' most recent statewide convention University of Massachusetts professor Ralph Whitehead Jr. who argued that Democrats needed to appeal to a group in the electorate he calls "new collar." They are part of the "baby boom" generation — those in their 20s to early 40s who now make up nearly half the voting-age population — but are very different from "Yuppies" who have received much more attention.

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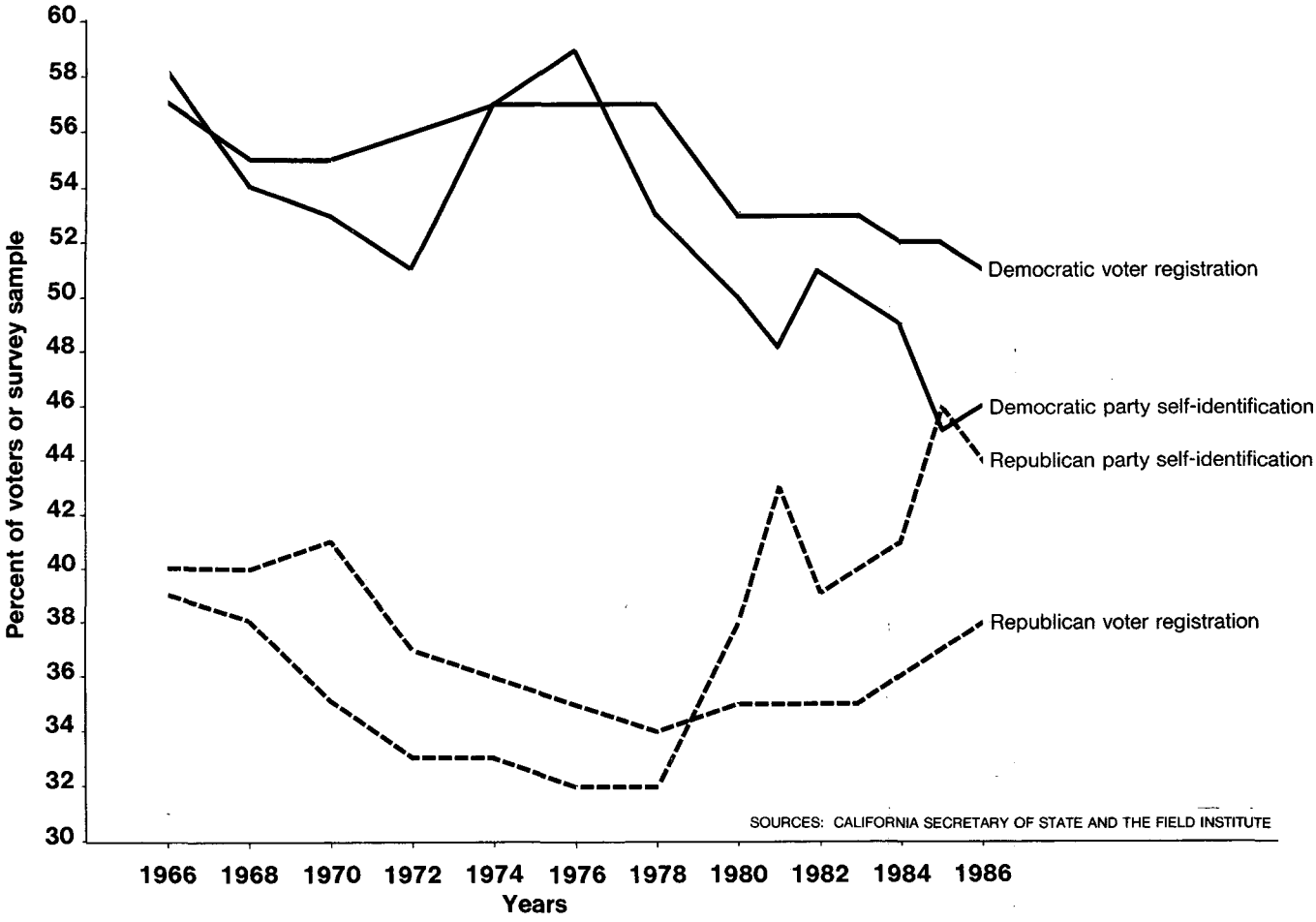

The new-collar voter typically makes less than $30,000 per year, has less than a college degree and is employed in some sort of service or clerical position. But this group is the largest cohort among the baby boomers, comprising nearly 25 percent of the group. Although better educated than their parents, new collars are not as well off financially. They also have a strong streak of individualism that keeps them from identifying too strongly with either party. It is this group, Whitehead maintains, that must be wooed by the party that wants to win elections.

Whitehead believes that this group maintains an affinity for social programs but sees Democrats as too "soft headed" in running those programs. Republicans, this group believes, are more practical but too "hard-hearted" for a generation raised against a background of social causes; thus the appeal of Ronald Reagan, who — regardless of his actual policies — appears to be "hard-headed" but with a "soft heart." The party that can provide candidates with this combination will be the one to secure support of the new collars.

In California, the loyalty of the group is still up for grabs. According to studies by the Field Institute, although the state as a whole has shifted steadily toward the Republican camp — the new-collar voter lags behind. Whereas 46 percent of the electorate identified with Republicans, to 45 percent for Democrats, among new-collar voters, 51 percent called themselves Democrats and only 42 percent Republicans.

Hayden argues that the group is really comprised of independents, and that opening up the primary to the non-affiliated will help attract these swing voters to the Democrats.

But UC Davis political science professor Ed Costantini, who is active in a group called the Committee for Party Renewal, isn't sure there is much advantage in appealing to independents. "It seems to have kind of a political sense to it, and the first party that does it might gain some advantage. But in the long run, if one does, the other will too, so no party is advantaged."

Some in the Democratic Party believe there is an agenda that will appeal to this group of voters that has not yet been preempted by Republicans. Although there will be some positions that are an anathema to traditional Democratic policies, including the hard line on crime and a fiscal tight-fistedness, there are clearly areas where this group wants more government intervention, including financing of education and support for strong toxic-enforcement laws, according to the polls.

The adoption of some of these policies does not bother those in the party's liberal wing, who are willing to embrace them, but the abandonment of old positions does. And there is the fear among some Democrats that following opinion polls too closely will result in the party becoming a pale shadow of the Republicans rather than standing for principles of its own.

Santa Barbara's state Senator Gary Hart is concerned that too many of his colleagues are just following what they believe the public wants, rather than acting on a set of principles. "If you're going to be a leader, you just can't be too timid. You've got to trust your instincts," he said. He sees this timidity in the refusal of many of his Democratic colleagues to support changes in the Gann limit — the 1978 initiative measure that limits the amount the state can spend. "If ever the Democratic Party stood for anything, it's that the public sector should benefit as well from overall growth in the economy," he said.

On a more practical level, many elected Democrats fear their control of the Legislature is slipping away. The problem is probably the most acute in the Senate, where Democrats now hold only 23 of the 40 seats. The spot vacated by Paul

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Carpenter when he won a seat on the State Board of Equalization comes up for election soon, and chances are good that this seat, too, will pass to Republicans. Furthermore, there are several seats held by Democrats that could pass to Republicans if the incumbents move on or retire, including seats held by Robert Presley of Riverside, Ruben Ayala of San Bernardino, Wadie Deddeh of San Diego and Leroy Greene of Sacramento.

In the 80-member Assembly, where Democrats have 44 votes, Speaker Brown insists the Democrats are secure, that his loss of three seats last year was only an aberration. He points proudly to the fact that no incumbent Democrat was defeated. But there is admission of weakness in that boast; perhaps there are too many seats that can be held *only* if incumbents seek reelection. In fact, there are several seats held by Democrats where registration now favors Republicans.

"I think in reality they are a minority party. They're just clutching onto the last vestiges of power," crows Assembly Minority Leader Pat Nolan. Only the gerrymandering of 1982 keeps Democrats in power, he adds.

Even if the Democrats manage to control the Legislature past the 1990 elections — thus control the next reapportionment — it could prove very difficult for Democrats to again draw such favorable lines. For one thing, George Deukmejian is talking more often about a third term. If he is in the governor's office, Democrats will have to bargain with him. And, as Nolan notes, this time Republican appointees will be in charge of the state Supreme Court when it comes time to rule on any impasse.

Shift and re-shift

Nolan feels the wind is with him, but there are signs things may, again, be about to shift.

Pollster Mervin Field says that new polls, due for publication next month, show a shifting back to Democrats. Polls this past year already show a slight drop in those considering themselves Republicans and a slight rise in those who identify with Democrats. In addition, in polls taken during February, issues that are usually good for Democrats — education, highway construction, toxic pollution, care for the homeless and unemployment, where, in Field's words, the electorate "is looking for more government intervention" — are of growing concern to the state's voters. Issues that are strong for Republicans, including high taxes, the state of the economy and welfare spending, are on the decline.

Nolan's outlook "might have been the case last summer, but things are changing," said Field. "What appeared to be the conventional wisdom six months ago might not be the case now."

Field credits a lot of the Republicans' success to Ronald Reagan. With his popularity slipping, and the end of his tenure approaching, "It may be that things are breaking for the Democrats."

If the political wind is swinging back, there are plenty of Democratic candidates ready to catch it. Lieutenant Governor Leo McCarthy, Attorney General John Van de Kamp, Controller Gray Davis, Secretary of State March Fong Eu, state Senators Gary Hart, John Garamendi and others, Assemblymen John Vasconcellos and Tom Hayden, Congressmen Robert Matsui and Mel Levine, San Francisco Mayor Dianne Feinstein and Los Angeles District Attorney Ira Reiner are all ready to tack with the slightest breeze. Whatever weaknesses the party may have, it has great strength in its diversity.

In the end, diversity is probably the best hope of both parties. As Costantini notes, although there are differences between Democrats and Republicans, "in the United States, both major parties are parties of the center." There is probably a Democrat with a full set of ready sails, no matter which way the wind blows.

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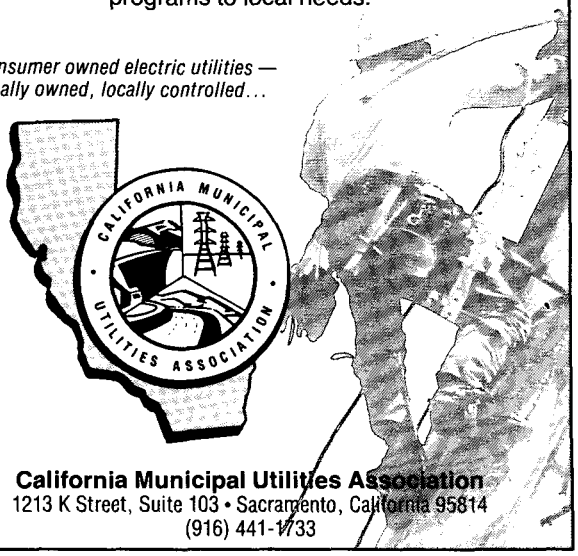

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Democrats shift right on death penalty

By MICHAEL KROLL

"We would happily join in applauding the sentiments in that letter," said Terry Eastland, a spokesperson for U.S. Attorney General Edwin Meese. "But the attorney general, as a matter of policy, refrains from commenting on state party issues."

However, the sentiments Eastland referred to were not those of the Reagan administration. They were not even expressed by members of the president's own party.

Instead, they appeared as a paid advertisement in the form of "An Open Letter to Democrats" in the official program of the California Democratic Convention. The letter urged Democrats to reverse what Los Angeles District Attorney Ira Reiner called "an accurate perception on the part of the public that our party does not care about the single most important question on voters' minds: violent crime."

Reiner, along with Assemblyman Gary Condit of Ceres and state Senator Dan Boatwright of Concord, also sent letters, identical to the "open letter," to nine Democratic presidential hopefuls, calling upon them to demonstrate their commitment to crime control by endorsing three priority items: the death penalty "in appropriate cases;" prevention of "premature release of murderers and other violent criminals from state prison;" and longer sentences for those who victimize "the elderly, the handicapped and the developmentally disabled."

This clarion call to law-and-order, so effectively used by Republican vote-getters from Richard Nixon in 1968 to George Deukmejian in 1986, has been embraced by 30 Democratic legislators who span the political spectrum, from long-time death penalty advocates like Condit and Senator Robert Presley of Riverside to more recent converts like Lieutenant Governor Leo McCarthy — the state's highest-ranking Democratic office holder.

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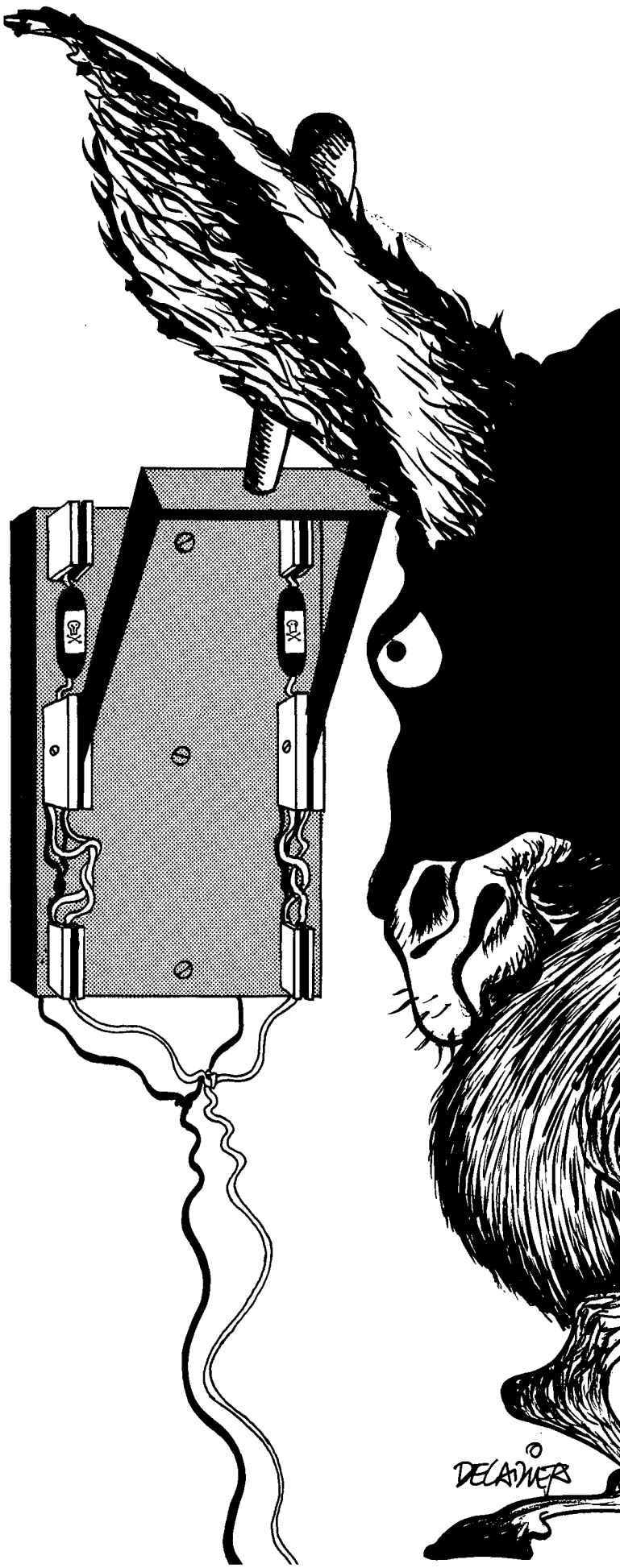
Michael Kroll writes for Pacific News Service in San Francisco.



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McCarthy opposed the death penalty until 1985. "At this point in my life," he said to explain why he signed the letter, "I am satisfied that there is such roaring injustice as the system now works that the death penalty is a fair option."

There were other surprises, too. A Sacramento constituent of Assemblyman Lloyd Connelly was shocked to see his name on the list. "I met him when he spoke at an Amnesty International function," she said. "Doesn't he know that AI opposes the death penalty in all cases?"

Even one-time radical Tom Hayden, a Santa Monica assemblyman, signed. "I was against the death penalty in the '60s," he said. "But I don't want vicious criminals on the street thinking nothing they do could lead to their execution."

The conversion of Hayden and McCarthy coincides with a dramatic shift in public opinion on the death-penalty issue, a fact not likely to escape the attention of ambitious politicians. In the mid '60s, for example, a bare majority of 51 percent supported the death penalty while 39 percent opposed it, according to Mervin Field's *California Poll*. By last year, support for executions had soared to 83 percent; opposition had shrunk to 15 percent.

Despite the numbers, there was ample evidence at the convention that the issue would divide more than unify a party already known for fractious in-fighting. State Attorney General John Van De Kamp, pointing to an array of Democrat-sponsored legislation that targeted such things as large drug dealers and manufacturers and computer-aided fingerprint identification, says he believes Democrats have long-since evened the playing field with Republicans on the crime issue. At last year's party convention, Van de Kamp described those calling for longer sentences and a fully-implemented death penalty as "shrill politicians" engaged in "Republican ranting and raving."

At this year's convention, he reacted to the open letter by saying, "Actions speak louder than words." (His "action" in refusing to sign the letter is a whispered acknowledgement that he still opposes the death penalty even though his office vigorously pursues death sentences in appeals before the state Supreme Court.)

Former Governor Pat Brown, although unaware of the letter, did not think much of the strategy as a vote-getter. "It's misdirected," said Brown, long a vocal opponent of the death penalty. "When they get through gassing about twenty men, the public mood will shift again, and today's potent political issue won't work tomorrow."

Assembly Speaker Willie Brown of San Francisco, who supports capital punishment ("I could administer it myself if someone hurt my family."), nevertheless did not lend his name to the letter. And U.S. Senator Alan Cranston, thanking the delegates for "helping me prove we can stand up for what we believe and still win," noted that he was reelected in a state-wide vote "though my opponent raised the issue of my opposition to the death penalty."

Pandering to fear

Assemblyman Richard Floyd, a death-penalty proponent from the working-class community of Gardena, was outraged by the open letter. Calling Reiner "a politician who wants to act like a law-enforcement officer," Floyd wrote his own letter to the convention delegates, calling upon them "as Democrats (to) do more than pander to people's fears." Named Assemblyman-of-the-Year by the California Organization of Police and Sheriffs, Floyd accused his colleagues of politics, pure and simple.

"They're staking out positions now that they think will serve them in ten years when they run for governor or senator," he said. "The bottom line is if they think this should be a party issue, then why didn't they have the guts to take it to the floor of the convention in a resolution instead of buying an ad, for chrissake!"

In more practical terms, Floyd also disputes the central importance of the issue to voters. "The biggest issue isn't crime," he said. "It's jobs, food on the table, support for the family."

If reaction to the letter from party leaders was mixed, conventioneers were not so guarded. Only one, from among more than two dozen interviewed at random, even tentatively endorsed the strategy outlined in the letter. "They're looking at districts that were once Democratic but are falling to Republicans," said delegate and political consultant Randy Economy of Cerritos. "Support for the death penalty could be a start at recouping our losses." Ironically, Economy opposes capital punishment.

Others, reflecting the demographics of the party, seemed united in their opposition to the letter, albeit for a variety of reasons. Many, like Mollie Pepper, adamantly oppose the death penalty. A life-long Democrat from Los Angeles, Pepper believes, "If the state kills, it promotes an atmosphere for killing." Jerry Morris, also from Los Angeles, added, simply, "It's wrong to take life."

The delegates interviewed agreed with Morris and Pepper by more than two-to-one. Strong opposition to the letter was also expressed by supporters of the death penalty.

Michael McDermott, a delegate from West Covina, believes in the death penalty but objects to making it a political issue. George Davis, a delegate from San Francisco, "would hate to see anyone choose the death penalty as a strategy to win elections. It's bad business."

Oakland City Councilman Wilson Riles Jr. predicted the strategy would hurt the party in the long run. "If they succeed in making this the litmus-test issue in moving the party to the right, they will weaken their traditional base of support among blacks and other minorities who are already victims both of crime and the criminal justice system. Everybody's for decreasing the crime rate, but this isn't going to do it. It's cynical politics at its worst."

Delegate Richmond Young of San Francisco observed, "It's funny how many politicians have had a change of principle as public opinion changes. They're reacting to right-wingers, which is the exact opposite of providing leadership."

Even some who signed the letter did so without much gusto. "It was a close call for me," admitted Hayden. "The Condit-Deukmejian view puts the death penalty at the top of the agenda. It becomes the benchmark test of being tough on crime, which is bullshit. The letter was too bloodthirsty for my taste, but since I've been calling for the Democrats to get tough for ten years . . . "

The dilemma for the party is real. If a significant number of leading Democrats exploit their support for the death penalty, the party risks being split apart by the issue. What they may gain from the right, they will lose from the traditional Democrats.

Some worry about more significant risks.

Leon George, a delegate from Fresno who supports the death penalty (though its exclusive application to the poor bothers him), points to the dangers of making it "a political football." "It's clear what happens when you use an emotional issue like the death penalty," he said. "The Republicans have had great mileage out of it, and the result will be a state supreme court like those in Alabama and Mississippi."

In his speech to the convention, presidential hopeful Senator Joseph Biden of Delaware warned against the danger of "leaders who move from mantra to mantra, all the while trying to soothe the beast of shifting public opinion."

The beast of shifting public opinion can be intimidating, even for those who desperately want to hold to their principles. "They're trying to out-Republican the Republicans," complained a delegate from Orange County. "They're appealing to the worst of our emotions. This kind of pandering leads to men on white horses. It leads to fascism."

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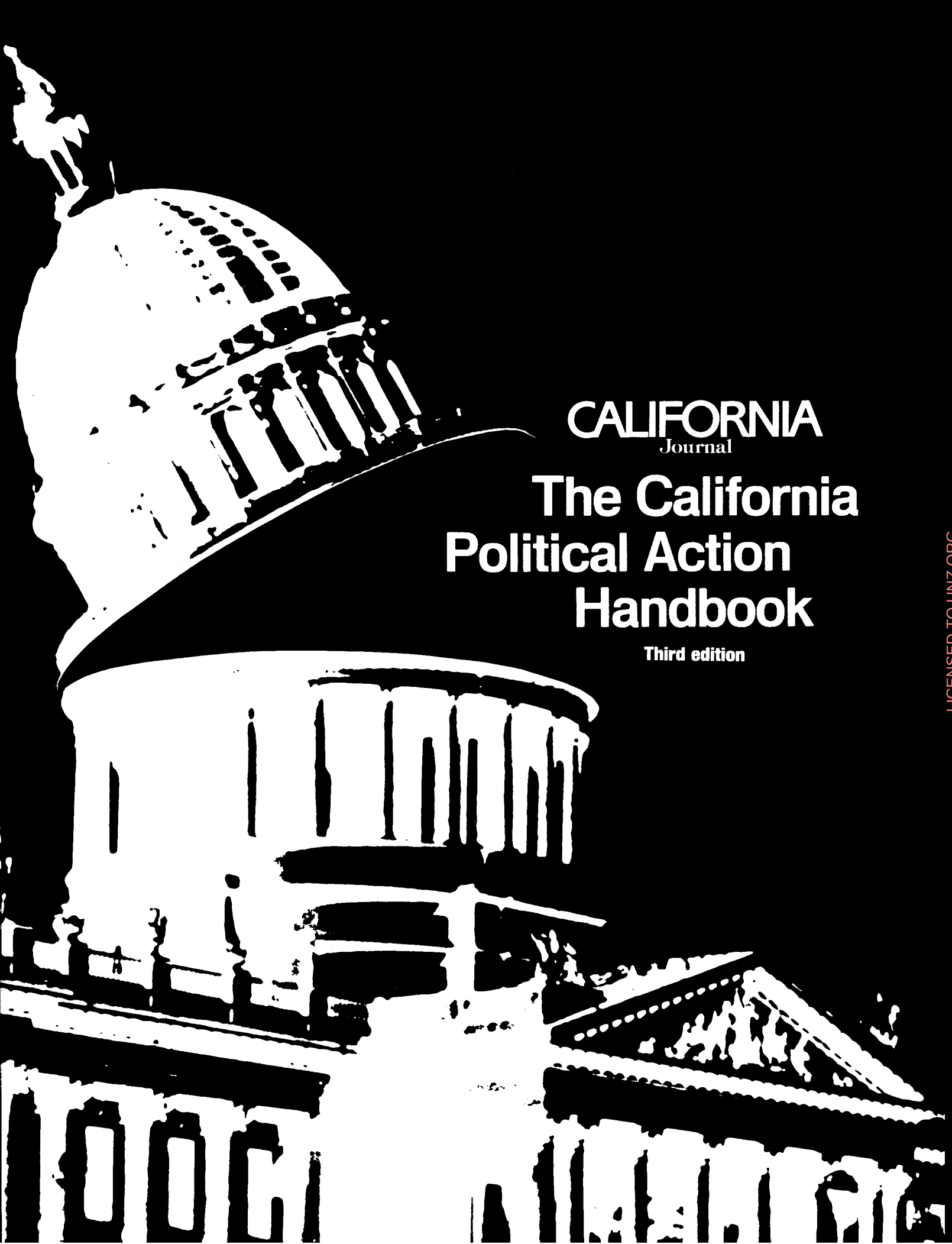

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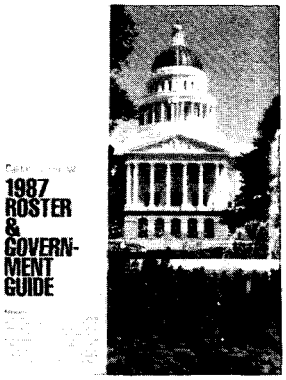

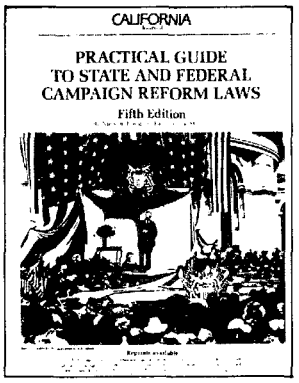

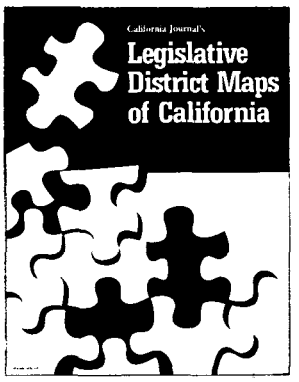

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The California Political Action Handbook

A Guide to Citizen Access to the Legislature

by The Editors of California Journal
The Monthly Analysis of State Government and Politics

Introduction

The ability of citizens to participate meaningfully in the legislative process has been one of the hallmarks of California government throughout much of the 20th Century. A person coming here from New York or Pennsylvania or Illinois is invariably impressed at the degree to which legislative decision-making is carried out in public, with advance notice and in a rational and deliberate fashion.

Perhaps this tells us more about how bad things are elsewhere -- especially in the latter part of the 1980s. For, during the last ten years or so, there has been a gradual decline in the ability of individuals and groups to participate in the kind of free marketplace of ideas the founders of our nation envisioned for our legislatures. Instead, competition has, to an alarming degree, become a function of one overriding factor: money.

In recent years the amount of money raised for and spent in the election campaigns of our representatives in the state Senate and Assembly has grown geometrically. The average election for a legislative seat in 1984 cost nearly $500,000. The total amount spent for 100 seats — $44.8 million — was 31 times the $1.4 million spent in 1958. The impact of the cost of elections on the legislative process has been direct and substantial. Legislators must spend a large proportion of their time raising funds — every year, not just in election years. It is not surprising, therefore, that sometimes the amount of money given to campaigns by various interest groups has more to do with the outcome of a specific legislative proposal than any other factor.

Citizens, legislators and lobbyists agree that something is wrong. But hope for a more deliberative and balanced legislative process is not lost. In the first place, a rough sort of pendulum between reform and abuse has marked the legislative process over the last forty years. In the late 1940s lobbyist Artie Samish was riding high, and then-Governor Earl Warren could say accurately that "on matters that affect his clients, Artie unquestionably has more power than the governor." But those excesses eventually embarrassed the Legislature into adopting a lobbyist regulation act in 1949 that curbed some of the worst practices for a while (and in 1951 Samish was sentenced to federal prison for income tax evasion). In the mid-sixties a legislatively-sponsored constitutional amendment (Proposition 1a of 1966) greatly strengthened the powers of the Legislature and increased the compensation to its members, thus weakening their need to rely on lobbyist largess. Again by the mid-70s the power of special interests and the increase in campaign spending brought about a reform: Proposition 9 of 1974, which placed strict contribution and spending reporting requirements on lobbyists and candidates.

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Secondly, even under the circumstances of greatest special-interest influence, there is always the factor of competition among interest groups to curb unrestrained abuse. In almost all cases, one powerful interest group is balanced to some degree by one or more interests espousing an opposing point of view.

However, by the mid-1980s the role of money and the power of special interests have again become a matter of concern to many observers of the political process, spawning a new round of reform proposals. Whether they will be successful and what form they will take remains to be seen.

What is certain is that while campaign contributions are a very important part of the legislative process now, it is and always has been possible to be successful without being a major donor. Such success is harder than ever to achieve and requires more than enthusiasm for a good cause.

The keys to success in the absence of money are knowledge and skill. This booklet is designed to give ordinary citizens of California the legislative basics which, when combined with a legitimate cause, a lot of tenacity and, perhaps, a bit of luck, can produce legislative success. What this booklet is not is a substitute for representation in Sacramento. Although occasionally it is possible for an individual or a small group to come to the Capitol, pursue a single piece of legislation and be successful, normally it takes an on-going presence to identify opportunities and head off losses.

This is the third edition of the *California Political Action Handbook*, which was first published in 1981 and has been extensively revised to reflect political realities in the late 1980s. Inexpensive reprints are available to groups and individuals.

1: The Legislature: What is it?

Californians direct their attention to the state government in Sacramento for two basic reasons — because they don't like what is happening or about to happen, or because they want to make something happen. On the negative side, they might want to kill a bill, remove an official or block a proposed regulation. On the positive side, they might want to pass a bill, get a friend appointed to an important position or get a favorable ruling from an administrative agency.

Despite the complexity of state government, almost all of the pressure applied to officialdom in Sacramento falls on relatively few people: on the governor and his top aides and on the 120 members of the Legislature. Although the executive departments and the regulatory process are the principal means of day-to-day governmental action, most of the major decisions directly affecting the public are made by the Legislature in conjunction with the governor, and the solution to many problems within the bureaucracy can be found in the Legislature.

For this reason, it is vital that anyone seeking to influence government action learn how the Legislature works. Without an understanding of the legislative process, political-action efforts are apt to be aimed at the wrong people, at the wrong time and with the wrong message. Impact under these conditions: almost zero.

The state Legislature is similar in some ways to the Congress in Washington. It consists of two houses, a Senate with 40 members and an Assembly of 80 members. Senators serve four-year terms and represent districts of almost 600,000 Californians. Assembly members serve two-year terms and represent almost 300,000 citizens.

The basic job of the Legislature is to solve the problems of the state by the passage of laws, through the appropriation of funds and through the confirmation or rejection of the governor's appointees. Legislation takes a variety of forms, but most measures become law only after they have been approved by both the Senate and Assembly and have been signed into law by the governor. Thus, individuals seeking to get something from state government — or to stop something from happening — usually concentrate their attention on the Legislature.

Kinds of bills

Most of the thousands of measures considered each year are statutes or bills. Unless they are urgency measures (which go into effect immediately after passage instead of at the start of the next calendar year) or contain appropriations, they can be approved by a simple majority vote of each house — 21 votes in the Senate and 41 votes in the Assembly.

Proposed constitutional amendments can be placed on the ballot by a two-thirds vote of each house and without the approval of the governor. Urgency and appropriation bills also require a two-thirds vote.

There are also a variety of resolutions that can be passed by either house or by both. They are not sent to the governor for signature. These resolutions may ask another government agency to do something, may recognize the accomplishments of a well-known Californian or some group, or may just express the opinion of the membership on some public issue. They have no effect in law except that they can establish rules for the internal working of the Legislature.

The legislative process

An idea is not converted into a law overnight. Although the Legislature can act with amazing speed on occasion, most measures follow a slow and often tortuous path through the legislative process.

The legislative process may appear complicated, but it really isn't. Very simply, bills are considered by committees. If committees approve them, they go to the floor for debate. Relatively few are killed on the floor. The process is repeated in the second house. If both houses agree on the language of a bill, the measure goes to the governor for signature. (See the chart for a more detailed explanation of the legislative process.)

A bill can die at any stage in the process — before a committee or on either floor. It also can be vetoed by the governor. It is much easier to kill a bill than to pass one, and the reason is simple arithmetic. All it takes is a handful of votes in a single committee to send a measure down to defeat, while it takes a series of favorable votes to get a proposal enacted into law. In most cases, it takes an absolute majority of a committee or of a house to take favorable action on a measure. This means that it would require five members of a nine-member committee to give a bill a do-pass recommendation — even if there are only six members in the hearing room at the time. The same applies to the floor vote of the full membership of a house. It takes 41 votes in the Assembly

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California's Legislative Process

Initial steps by author

IDEA
Sources of bills: legislators, legislative committees, governor, state and local governmental agencies, business firms, lobbyists, citizens.

DRAFTING
Formal copy of bill and "layman's digest" prepared by Legislative Counsel.

INTRODUCTION
Bill submitted by senator or Assembly member. Numbered and read for first time. Assigned to committee by Assembly or Senate Rules Committee. Printed.

Action in house of origin

COMMITTEE
Testimony taken from author, proponents and opponents. Typical actions: Do pass; amend and do pass; no action; hold in committee (kill); amend and re-refer to same committee; refer to another committee; send to interim study.
Bills with any fiscal implications, if approved by policy committee, are referred to Appropriations Committee in the Senate and to Ways and Means Committee in the Assembly.

SECOND READING
Bills given do-pass recommendations are read a second time and placed on file for debate.

FLOOR DEBATE AND VOTE
Bills are read a third time and debated. A roll-call vote follows. For ordinary bills, 21 votes are needed in the Senate and 41 in the Assembly. For urgency bills and appropriation measures, 27 and 54 votes are required. If these numbers are not reached, the bill is defeated. Any member may seek reconsideration and a second vote. If passed or passed with amendments, the bill is sent to the second house.

Disposition in second house

READING
Bill is read for the first time and referred to committee by the Assembly or Senate Rules Committee.

COMMITTEE
Procedures and possible actions are identical to those in the first house.

SECOND READING
If cleared by committee, the bill is read a second time and placed on the daily file (agenda) for debate and vote.

FLOOR DEBATE AND VOTE
The procedure is identical to the first house. If a bill is passed without having been amended in the second house, it is sent to the governor's desk. (Resolutions are sent to the secretary of state's office.) If amended in the second house and passed, the measure returns to the house of origin for consideration of amendments.

Resolution of two-house differences (if necessary)

CONCURRENCE
The house of origin decides whether to accept the second-house amendments. If the amendments are approved, the bill is sent to the governor. If the amendments are rejected, the bill is placed in the hands of a two-house conference committee composed of three senators and three Assembly members.

CONFERENCE
If the conferees fail to agree, the bill dies. If the conferees present a recommendation for compromise (conference report), both houses vote on the report. If the report is adopted by both, the bill goes to the governor. If either house rejects the report, a second (and even a third) conference committee can be formed.

Role of the governor

SIGN OR VETO?
Within 12 days after receiving a bill, the governor can sign it into law, allow it to become law without his signature or veto it. A vetoed bill returns to the house of origin for possible vote on overriding the veto. It requires a two-thirds majority of both houses to override.

Urgency measures become effective immediately after signing. Others usually take effect the following January 1st.

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and 21 in the Senate to pass an ordinary bill — even if there is only a bare quorum in the chamber.

A bill can be amended, however, by a simple majority of those present and voting. And often the key vote on a bill is on a proposed amendment that can change the entire thrust of a measure. There is an old saying in Sacramento that it is much better to kill a bad bill than to amend it. The rationale is that the proponents may settle for half a loaf one year and then come back for the rest of the package the next year.

Nevertheless, a great many bills are passed each year through the perseverance of the authors and sponsoring organizations. Also, many bills are non-controversial and get little or no opposition all the way through the process.

The houses

The two houses have almost always operated in different ways, and what works in one will not always work in the other. Power is apt to be more divided in the Senate than the Assembly. The Senate's presiding officer is the lieutenant governor, but he or she is merely a figurehead. The most important person in the Senate (also known as the Upper House) is the president pro tempore, elected by a majority vote of the members. The "pro tem" presides over the five-member Rules Committee, which has the power to make committee assignments and to decide which bills go to which committees. Often the fate of a bill will depend on the committee assignment. In the Assembly, the members elect a speaker, who is more powerful than the Senate president pro tempore. The speaker assigns members to committees and usually also controls the Rules Committee, which assigns bills to committee.

Bills are rarely passed in the Assembly over the strong opposition of the speaker. Both the Democratic and Republican parties maintain caucuses in each house, but partisanship has historically been stronger in the Assembly than in the Senate. Relatively few bills each year take on strong partisan overtones, but these are the very measures that often grab the media spotlight. Until 1958, the Legislature was usually controlled by the Republicans. Since that watershed year, however, the Democrats have been dominant — in large part because of the reapportionment process whereby the Legislature redraws district lines every ten years to favor the majority party.

Staff power

In the 1960s, the Legislature started hiring high-salaried assistants to help them handle legislation. In trying to get bills passed or defeated, it is often advisable to work with some of these pivotal staff members because they can be extremely influential with their bosses in their areas of expertise. Some staffers work for committees and serve under the general direction of the committee chairs. Others work for house and party leaders, and many are employed on the staffs of individual members. In seeking direct access to legislators during the heat of a session, it can be especially helpful to be on friendly terms with both professional staffers and secretaries in legislative offices.

Lingo

In addition to learning how the Legislature works, it is important to understand the lingo of the Legislature. Here are some short definitions:

- *Legislature* — the two houses that pass or reject proposed new laws.
- *Assembly* — the 80-member Lower House of the Legislature, with members serving two-year terms.
- *Senate* — the 40-member Upper House of the Legislature, with members serving four-year terms.
- *Bill* — a proposed law or statute usually referred to as AB (Assembly bill) or SB (Senate bill).
- *Chapter* — a bill that has been enacted into law.
- *Resolution* — a legislative proposal that does not have the force of law, such as a commendatory statement.
- *Constitutional amendment* — a proposed change in the state constitution to be submitted to the voters.
- *Author* — the legislator who submits a bill.
- *Co-author* — a member who places his or her name on a bill as a supporter of a measure but who does not normally present arguments for the measure before committees.
- *Standing committee* — a group of legislators who hear testimony on bills and who may or may not recommend passage.
- *Caucus* — a group of lawmakers who meet to discuss common problems. These include party caucuses, minority-group caucuses and regional caucuses.
- *File* — the pamphlet that lists bills that may be debated in committee and on the house floor.
- *Journal* — the pamphlet reporting the daily proceedings.
- *History* — the pamphlet or book reporting the status of bills by day and week.
- *Index* — the pamphlet or book listing bills by subject.
- *Bill Room* — the place in the Capitol basement where citizens can obtain copies of bills, files and other publications free of charge.
- *Lobbyist or legislative advocate* — one who tries to influence legislators and other officials. Also known collectively as "the third house" because of their influence on the process.

2: Lobbyists

The successful lobbyist understands the psychological make-up of every member of the Legislature as well as key staff members. The good advocate knows which arguments work with which members, the natural philosophical leanings of each legislator and his or her district, which members respond to campaign contributions, which can be pressured by a flood of mail, and which will vote the lobbyist's way strictly on a personal-friendship basis.

The 800 or so lobbyists in Sacramento come in various shapes and sizes. They represent groups large and small, powerful and weak, rich and poor. Basically, they can be broken down into several categories:

- *Contract lobbyists* These advocates will work for almost any client willing to pay their fees. The best of them charge high prices, have made significant campaign contributions over the years, have good friends in the Legislature — and get results. At one time, contract lobbyists — notably Artie Samish — virtually ruled the Legislature. That is no

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longer true; money alone no longer can pass or kill bills in the Legislature, although it is very influential in certain cases.

- *Corporation lobbyists* These advocates work for one company and work primarily on bills directly affecting their firms, although they also work in tandem with other lobbyists sharing their goals.
- *Association lobbyists* These advocates are employed to represent firms or public agencies with similar interests. They range from the California Chiropractic Association to the California Manufacturers Association.
- *Public-agency lobbyists* Numerous large cities, counties and special districts maintain representatives in Sacramento. In addition, almost all local government agencies are represented by associations such as the League of California Cities, the County Supervisors Association of California and California Special Districts Association. Most state agencies also assign personnel to serve as liaison with the Legislature although they are not required to register and file annual reports as are all other lobbyists.
- *Public-interest lobbyists* In recent years there has been a proliferation of lobbyists working on behalf of environmentalists, consumers, women, population control advocates, prisoners and a variety of other groups. Some of them have become successful, especially since the Legislature became a full-time institution in 1967. They are sometimes known as "brown-bag lobbyists" because of their not-so-lavish luncheons.

Lobbying techniques

In the old days, the contents of a bill were almost irrelevant if the measure was dear to the hearts of the kingpin lobbyists. They would push the magic buttons, and the leaders of one house or the other would kill the bill or make sure that it was passed. In effect, legislative victories were purchased by the entertainment and campaign-contribution funds available to lobbyists.

That technique is no longer as prevalent as it was in the days of Artie Samish. Lobbyists now must operate in a more legitimate way, using several techniques: They provide information and arguments on pending legislation in an attempt to win lawmakers over to their clients' points of view. They also establish friendships with legislators so that they will have access and so that they will get the breaks on measures that are not matters of vital interest to a particular member. Social relationships, like arguments, can be converted into votes. The Political Reform Act of 1974 sought to prevent lobbyists from making campaign contributions, but that was declared unconstitutional by the state Supreme Court. So advocates develop good will by giving funds to the re-election drives of those legislators who will help them most.

Another major function of a lobbyist is to maintain tight communications with his or her clients. The lobbyist examines each bill and assesses its impact on clients. When a problem arises, a lobbyist mobilizes assistance from the group he or she represents. That might take the form of technical knowledge that can be passed on to lawmakers. It might consist of experts to appear before committees. Or it might consist of an all-out communications blitz aimed at a few key legislators or even at the entire 120-member Legislature.

Rarely can a lobbyist do the job alone any longer. At times when there are strong campaigns being waged on both sides of an issue, it takes a great deal of grass-roots effort to win the contest. And that requires citizen action, because there is no weapon in a legislative confrontation like the fear of an aroused constituency.

3: Influencing legislation

Life as a legislator would be quite simple if all one had to do was reflect the views of a majority of the voters back home or vote exclusively on the basis of conscience. In real life, however, most voters don't know or care about most issues, and conflicting values compete in most legislation (e.g., the severity of a problem and the cost of dealing with it). Much of the time, a legislator has no preconceived opinion about a bill, nor can he or she be expected to be an expert on all the issues thrust upon the Assembly and Senate. Thus the views and concerns of various groups and individuals are an important element of the decision ultimately to cast an aye or a nay vote.

Conscience — how a lawmaker's principles lead him or her on an issue — is an important factor in determining how a legislator will vote. But it is far from the only factor. These are among the questions that a legislator may ask himself or herself — consciously or subconsciously — before acting on a measure:

Do any of my major campaign contributors have a stake in this issue? Have any of them contacted me, and how do they want me to vote?

What does this bill do for my constituents and for the people of California as a whole?

Will my vote help me or hurt me at re-election time? What do the local media say about this bill, if anything?

Is there any party caucus position on this bill? Will a vote either way on this measure cause me problems within the party?

What do my friends think about this bill? How about my colleagues, my friends in the district and those I like in the Third House?

Thus there are numerous elements — money, conscience, constituents, friends, party, among others — that go into the decision a legislator makes on each bill, especially a controversial one. Rarely does a legislator know how the public at large feels about a measure because bills tend to be quite narrow in their approach, and public opinion polls are only available on a few major issues. The smart lobbyist knows which legislators are locked up and which are available on a given bill. It doesn't make much sense for a lobbyist to try hard-sell (or even soft-sell) tactics on a legislator who has strong feelings on a measure or who could be defeated by going against his or her constituents on a bill. Pressure is best applied on undecided lawmakers or on those whose feelings are not especially deep.

Perhaps the most potent weapon that can be used against a legislator is fear — the fear that he or she will not be re-elected. Thus it is possible for an organized group — even a minority — to create the impression that the political stakes are extremely high on a given bill. And there are a variety of tactics that can be employed to create that impression. These will be discussed next. But first a word about legislators as people.

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In one sense, elected officials are different from the rest of us. It takes a special kind of drive and a larger-than-usual ego to push someone into politics. The personality of a legislator isn't very different from that of an actor. It takes the same kind of self-confidence or need for acclaim that leads men and women into the theater or the political arena.

But in another sense, legislators are no different from the rest of us. They come from all walks of life, although there is usually a heavy percentage of lawyers and former paid political staffers. In dealing with legislators, it is important to remember that they are not a super-breed of human being but are subject to the same weaknesses as everyone else. They like to be patted on the back when they do a good job. They don't like to be berated. They like to be asked for help. They like to get campaign contributions and other support that helps them get re-elected. Most of them enjoy the finer things in life. Most of them can be persuaded by a reasonable argument. Most of them want to solve problems if they can do so by making more friends than enemies. Most of them prefer to avoid confrontations. In short, most of them are like the people we know in our daily lives but who do not carry nearly as heavy a load of responsibility.

Pressure tactics

Now let us discuss specifically how to influence the Legislature.

No one plan of attack will work with all legislators. Some votes can be put in the bank with hefty campaign contributions; other legislators go out of their way to show their independence from their donors. Some panic when they get a handful of constituent letters on a bill; others can hardly be moved by a petition signed by thousands. Some take Capitol demonstrations seriously; others find them an invasion of their work space. Some welcome visits from representatives of organizations; others hide from them.

In other words, working the Legislature is no easy task; it requires a great deal of planning and expertise. Most of all, it requires the proper timing and response from the grass roots. Generally speaking, an organization that carries out a regular program of influencing legislation will have better results than those which react only during times of emergency. Thus, the tools of the trade can be broken down into two categories — those that should be employed on a regular basis and those that can be used when a specific problem arises.

Year-round activities

- *Campaign contributions* It is only human nature for a legislator to look with favor upon those individuals and organizations that help with hard cash in the re-election process. The political system these days makes it wise for politicians to raise funds all the time, not just in the months before elections. They hold fund-raising dinners just about every year, and those who buy tickets automatically get access to that legislator. Most business and labor organizations have formed political action committees (PACs) that raise money and help distribute it in the most advantageous manner. Lobbyists, corporate executives and wealthy individuals usually establish budgets for campaign giving. Ordinary citizens also can obtain a piece of the action with relatively small contributions.

Some committees of the Legislature are known as "juice" committees. This means that the members of those committees traditionally have received substantial campaign contributions from the interests whose bills are handled by that committee. The horse racing and alcoholic beverage industries, for example, rarely lose a bill before the Assembly Government Organization Committee. The same applies to savings and loan associations before the committees of both houses that handle their legislation.

Other tactics can influence legislation, but it must al-

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ways be remembered that "money is the mother's milk of politics."

- *On-the-scene lobbying* The presence of a representative in Sacramento on a year-round basis is almost mandatory. A specialist is needed to watch trends develop, to learn what makes each member tick, to establish informal contacts, to make friends, to keep track of all bills and amendments. A bill can change shape and meaning in the flash of an eye through the amendment process. Legislators prefer to deal with lobbyists in a relaxed situation. It is often difficult for an unknown person to get time with a legislator during the heat of a session but the Sacramento regular is more likely to get beyond the reception area.
- *District visitation* It is often easier to get a legislator's time and attention in the district office than in the corridors of the Capitol. When lawmakers are in recess, a group can almost always get an appointment to sit down with a legislator and explain the problems of the business, labor union, association, individual or pressure group. Lawmakers are by definition problem-solvers. If a forthright problem is brought to them and explained in a persuasive manner, that legislator can often be turned into an ally or even an advocate.
- *Communications* Messages to legislators on a periodic basis serve to let them know that someone out there is watching and cares about their actions. It also establishes a line of recognition between the lawmaker and the individual or group. The letter may be a simple note to congratulate the member on some action or to request information or to express a point of view or make a suggestion. (See the chapter on effective communications.)

Occasional actions

The above are effective, on-going, lobbying activities. From time to time special lobbying tactics are necessary. These include:

- *Demonstrations* Every year, quite a few groups organize demonstrations outside the state Capitol in an effort to pressure lawmakers into favoring a specific point of view. How much good do these demonstrations do? They have several effects that can be beneficial, but they rarely influence the course of legislation. They are good for media exposure and they build *esprit de corps* within the organization. But lawmakers see so many of these demonstrations that they don't pay too much attention to them, and some lawmakers view demonstrators as pests.
- *Petitions* Some legislators are very impressed with a long list of names on a petition. Others take the view that it is easy to get almost anyone to sign a petition. Individual letters are generally much more effective than petitions.
- *Gimmicks* Each year a lobbying group takes legislators rafting on the wild rivers the group is seeking to preserve. Another lobbyist was famous for many years for delivering several hundred pounds of free butter to legislators' offices. The motion picture industry has a plum to hand out — invitations to the Academy Awards ceremony. These gimmicks can be very effective in bringing attention to a group and its concerns, if they are handled properly.
- *Blitz tactics* Telegrams, telephone calls, letters, postcards and the like are prime weapons in the life-and-death battle over a bill. The well-orchestrated letter-writing campaign should be employed by almost every organization with a large constituency. Banks, for example, have employees in every legislative district. If bank employees were trained to write letters just before a key vote, they could accomplish something that might be far beyond the power of their lobbyists in Sacramento. The California Realtors Association has been especially effective with "red alerts" to its members, who respond with floods of communications to their legislators. Letters must be timely, to the point, non-abusive and, insofar as practical, individualized.
- *Visitations* A reasonable number of constituents trying to persuade a legislator can be an effective tool. It is important that a lawmaker know a great many people are watching his or her vote on the bill in question. Arguments should be presented in an organized and straightforward way and should be backed up by written material that can be left with the legislator.
- *Media* Often the media can be used to dramatize the justice for one's case in legislative battle. At times it is sufficient just to bring a bill to the attention of reporters. At the other extreme, it can be advisable to arrange a press conference or other contrived event in order to gain maximum publicity.

Summary

In summary, pressuring the Legislature is a full-time job. It requires a great deal of sophistication, marshaling of troops, expenditure of funds and the proper timing of each step.

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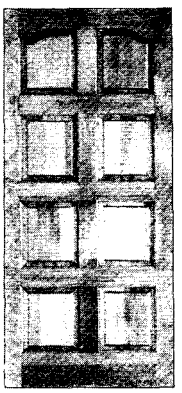

Speakers will include prominent lobbyists, key legislative decision-makers, technical experts, media people, and public agency officials — all prepared to impart valuable insights on survival and effectiveness in the non-textbook, real-world arena of lawmaking in California. These day-long programs have proved to be a stimulating and practical introduction for the newcomer as well as a highly valuable refresher for the veteran.

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4: Effective communication

Here are some basic rules — do's and don'ts — for dealing with legislators.

DO's

— DO address them properly:

The Honorable John Smith
or Senator John Smith
Member of the Senate
State Capitol
Sacramento, Ca 95814
Dear Senator Smith:

The Honorable Jane Brown
or Assemblywoman Jane Brown
Member of the Assembly
State Capitol
Sacramento, Ca 95814
Dear Ms. (Miss or Mrs.) Brown:

—DO write legibly.
—DO be brief and to the point.
—DO mention the specific bill in question, if possible.
—DO use your own words and avoid the appearance of a form letter.
—DO use your own stationery.
—DO give your reasons for supporting or opposing a bill.
—DO be courteous and reasonable.
—DO make sure you include your address and telephone number and sign your name clearly.
—DO congratulate the legislator on his or her actions you liked.
—DO include newspaper articles or editorials that support your view.
—DO send information to the heads of committees that will hear the bill(s) in question.
—DO double-check your information to make sure it is accurate.
—DO send your letters before action is to be taken. Proper timing is vital.
—DO use correct grammar and short sentences.

DON'Ts

—DON'T be long-winded.
—DON'T adopt a righteous tone.
—DON'T demand anything.
—DON'T be rude or threatening. Remember that you may be asking for favorable votes in the future.
—DON'T mention more than one bill in a letter, if possible.
—DON'T forget that relatively few letters often can have a heavy impact. A few short letters carry much more weight than one long one.
—DON'T remind the legislator that you are a taxpayer.
—DON'T apologize for writing or for taking valuable time.
—DON'T be vague or deceptive.
—DON'T write only to those lawmakers who either agree or disagree with you.
—DON'T send carbon copies of letters to other legislators. Make them all look like originals.
—DON'T use form letters.
—DON'T even hint that you think there is something sleazy or dishonorable about the art of politics — even if you feel that way.
—DON'T assume that every legislator is an expert on every issue.

Visiting techniques

Most of the same rules apply to personal visits with legislators. Try to be punctual, brief and specific. Take up only one bill, unless there is a relaxed atmosphere and the legislator wants your views on other subjects. The most important rule to remember is that a lawmaker may be on the other side of the fence today, but he or she may be on your side on another issue. As former Assembly Speaker Jesse Unruh once said, "If I'd slain all my political enemies yesterday, I wouldn't have any friends today." Also, it is important to remember that elected officials are human beings. They are to be treated with dignity but not to be held in awe. They have the same strengths and weaknesses as everyone else. They like to have their egos stroked and like to say yes when they can.

5: The executive branch

The Legislature is not the only place where organizations and individuals go to resolve their problems with state government. Often the key to victory is a friendly governor, regulatory commission or state department. In most cases, the legislative process ends with a decision made by the governor. Do you want the chief executive to sign or veto a bill? Years of hard work in the Legislature can be reversed if the measure is vetoed by the governor. And how a piece of legislation is implemented through the departments of state government and administrative regulations can make all the difference in its actual impact.

Action on bills that land on the governor's desk is only one of several reasons why citizens might be trying to apply pressure on the chief executive. Among the others: an increased or decreased appropriation for a specific program, the appointment of a friend or supporter to a key state job, the establishment of administration policy in line with your needs.

Getting favorable action from the governor is not nearly as easy to accomplish as it is with legislators. The main reason is the statewide nature of his constituency; the governor receives so much mail that even dozens of letters are apt to get lost in the mail-processing unit of his office. Yet there are tools that can be used to influence the leaders of the executive branch:

- *Access* Try to find someone who has access to the governor to plead your case. It could be a leader of the governor's political party, a member of the Legislature or Congress, a personal friend, a department head or a heavy campaign contributor. Don't be afraid to use pull.
- *Media* If it would work to your advantage, try to get as much publicity as possible for the issue before the governor. If you think he is about to appoint a scoundrel or sign a bad bill, organize a media campaign. Governors are always on their guard against adverse media attention.
- *Staff contacts* While the governor and his top aides

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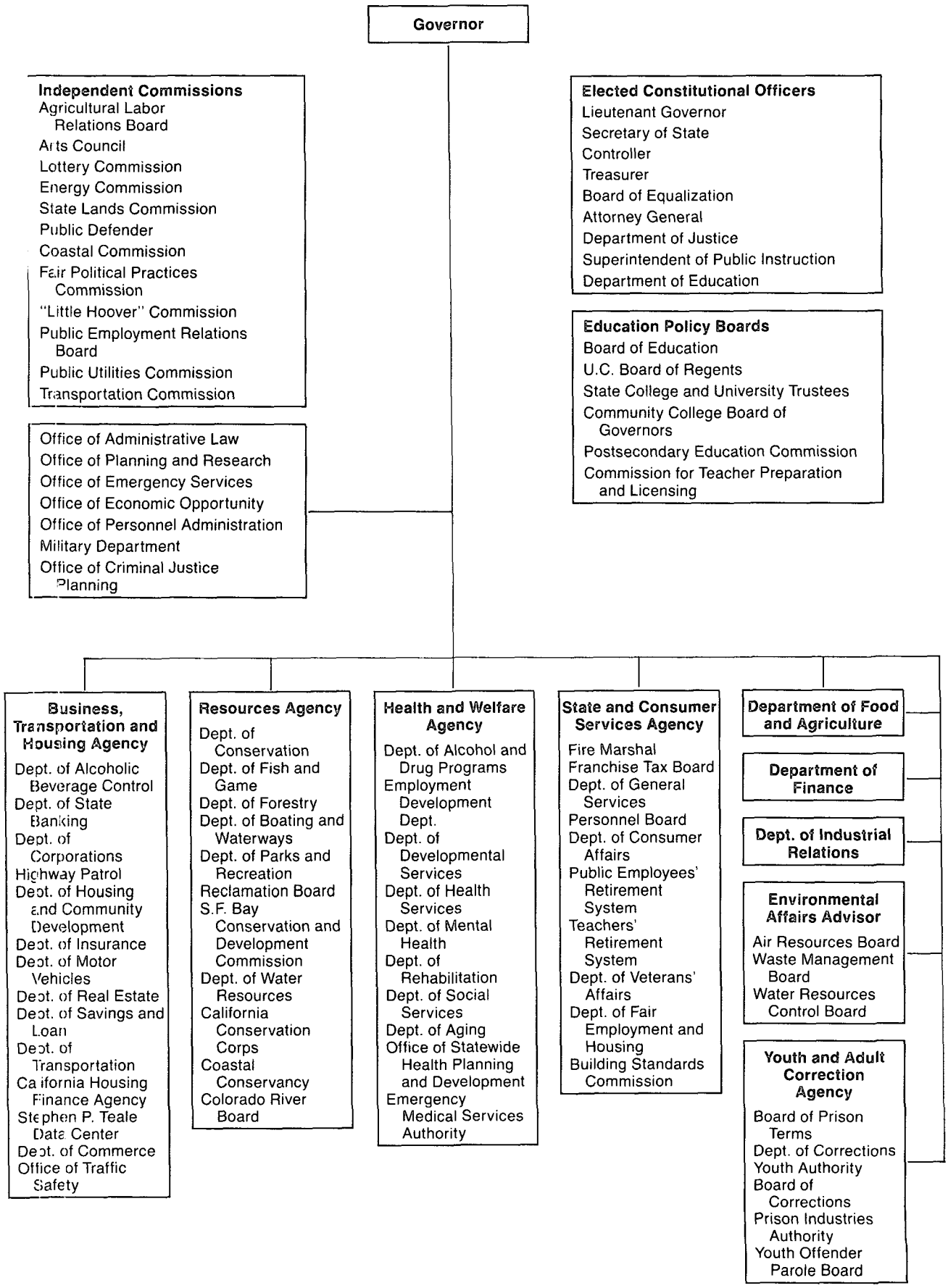
Administrative Agency Organization



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may be inaccessible, some of those lower in the pecking order may be available. If you can convince them of the justice of your cause, they will probably help you persuade the governor.

- *Mail and telephone* Communications sent to the right place in the governor's office can be effective. For example, mail regarding an appointment should be addressed to the appointments secretary. Likewise, you can try to load the file the governor's office maintains on each bill. That file is usually examined before the governor decides whether to sign or veto a bill. Mail and telephone communications were a factor in the governor's decision in March 1984 to veto the gay employment rights bill.
- *Organizations* It is difficult for the ordinary citizen to carry much weight in the executive suite. But organizations, especially large and noisy ones, can get access. In some cases, it may be advisable to form an organization so that representatives may get an appointment to see someone in the governor's office.

Commissions

In recent years there has been a proliferation of state commissions with the power to make very significant decisions. Most of the commission members are appointed by the governor and the Legislature. Some examples: the Coastal Commission, Fair Political Practices Commission, Agricultural Labor Relations Board, Public Employment Relations Board and the Energy Commission.

Members of these boards often can be reached by representatives of organizations. Generally speaking, commission members should be treated the same way as legislators. They have less fear of the public because they don't run for re-election. But many are interested in political careers, and most seek reappointment.

The bureaucracy

State government is divided into numerous agencies, departments, divisions and other elements. In theory, these agencies are all responsible to the governor, but it doesn't quite work out that way. No governor could keep track of the many activities of all these departments. Governors come and go, but the same civil servants keep rolling along. The state government would continue to function even if there were no governor for a year or more.

These departments get relatively little publicity, even though many of them either deal directly with the public or establish regulations which have a heavy impact on Californians. The reason is that these departments are more difficult to penetrate than the Legislature. The time spent by a reporter in examining departments does not produce as much publishable material as the same time spent covering the governor's office or the Legislature.

For essentially the same reason, citizens often find it difficult to move state departments. Yet every state department has its constituency — those who are directly affected by the actions of the agency. And it is possible for representatives of citizens' groups to meet with department heads and present persuasive arguments.

It is extremely difficult to provide a guide on how to pressure state departments because they vary greatly in organization, in mission and in leadership. The basic rule, however, is to identify the individual with decision-making power and find someone potent with access to that executive. The kinds of tactics that are recommended for the Legislature generally do not apply to the departments.

Many actions taken by state agencies, however, are subjected to a public-hearing process. Before a department may establish a new rule or regulation, it must go through a hearing process. This gives citizens and organizations a chance to make their feelings known and to "lobby" the agency. Anyone interested in the regulations promulgated by a particular agency — the Department of Fish and Game, for example — should get on the mailing list of that agency to receive notification of proposed regulations and public hearings.

6: Initiative, referendum, recall

In the California system of government, the most powerful branch is not the executive, the legislative nor the judicial, but the people. This is because the state constitution guarantees the electorate the right to make basic decisions themselves through the initiative, referendum and recall — devices which provide for direct democracy as compared to the usual method of governing through elected representatives.

If all efforts to achieve an organization's goals through legislative and executive branch action fail, direct democracy remains as a viable alternative. And the possibility of such recourse serves as a goad to elected representatives to act before the voters themselves take control.

- *Initiative* The initiative gives the people the right to place local or state measures on the ballot by obtaining the required number of signatures. It has been used by governors, legislators, environmentalists and other special-interest groups to get what they want after the Legislature has rejected their demands. To qualify for the ballot, a statewide constitutional initiative requires signatures equal to 8 percent of the votes cast in the previous gubernatorial election (595,479 signatures during the four years following the 1986 election); initiative statutes require 5 percent (372,175 for the same period). This is by far the most frequently used of the three principal direct-democracy devices.
- *Referendum* This is a procedure that can be used by the public, through the petition system, to block a state statute or local ordinance, pending a popular vote on the issue. It is not used often, but the threat of a referendum occasionally has the effect of blocking enactment of local ordinances. This procedure cannot be used to stop urgency bills, and for this reason such measures require a two-thirds vote rather than a simple majority in the Legislature. The ref-

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erendum procedure was used successfully to defeat four measures — the Peripheral Canal and three reapportionment plans — on the ballot in June 1982.

- *Recall* The power of recall allows citizens to place on the ballot the question of removing any elected official from office. Recall elections are not uncommon in local government but have never been employed effectively at the state level.

California's system of direct democracy does not stop there. Neither the state nor any local government agency may amend its constitution or charter or incur a general-obligation debt without prior approval of the electorate (although revenue bonds may be sold without such approval). At the state level, a simple majority vote is sufficient to amend the constitution and to approve bond measures for such purposes as higher-education construction, park acquisition and development, the Cal-Vet farm and home program, and water-pollution plants. But at the local level, all bond proposals — even school bonds — require a two-thirds majority. A special provision in the constitution also prohibits local government from building additional low-rent public-housing units without a vote of the electorate. (Several attempts have been made to repeal that provision, but the voters have consistently rejected these proposed constitutional amendments by rather substantial margins.)

In recent years the potency of direct government in California has been especially pronounced, inspired by the success of the so-called tax revolt, which started with the Jarvis-Gann property-tax initiative in 1978. Since that time numerous tax-related measures and non-tax measures have qualified for the ballot using a technique of soliciting petition signatures by mail and generating the funds for additional mailings at the same time. This "computer democracy" has been criticized by some as a corruption of the original initiative concept, but it remains as a major force in the legislative process in California.

With all these tools, there is hardly any aspect of state government that cannot be controlled by the people and the interests that may appeal to them.

7: Winning elections

What is a citizen or an organization to do when it keeps losing the government battle?

There are three basic answers: Do a better job of lobbying and pressuring; pursue the alternatives of initiative, referendum and recall; or elect people more to your liking to the Legislature and to other offices.

If you feel you are doing the best possible lobbying job and taking your issue directly to the voters is not feasible, there is no alternative but to enter the electoral arena. And that's a great deal different than trying to influence people who have already been elected to office. Perhaps the easiest way to look at an election is to view it in three stages — before, during and after the campaign.

Before the campaign

It makes no sense to field a candidate in a district where the incumbent is invincible — even if you consider that incumbent Public Enemy Number One. You will just be spending money and exerting energy that can be used more profitably elsewhere — perhaps on someone who is not quite as large a villain in your eyes. Thus, the most important step in winning elections is analyzing the races and deciding which ones are hopeless, which ones offer the best opportunities and which ones are marginal. If resources are limited, concentrate on the opportunity targets. If resources are unlimited, then the marginal races can be added.

The next step is to get the right candidate. There are three basic criteria that should be examined: Will the candidate vote your way if he or she gets elected? Would the candidate do a good job if elected? Is the candidate electable, both in the primary and in the general election?

It is important for an organization to avoid the impression that it supports candidates only from one party. The reason is that most groups seek votes from members of both parties in the Legislature. Why write off one of the two major parties, since one of them is bound to constitute a majority?

Try to engender early support for your candidate, either through the media, informal word-of-mouth campaigns, or through more formal means. Try to minimize primary opposition to your candidate by talking potential rivals out of the race. Prepare early for the campaign by raising money and bringing supporters into the fold.

During the campaign

Help the candidate's campaign in every possible way — with campaign contributions, foot soldiers, envelope stuffers, whatever. Help the candidate get attention in the media, and try to influence the recommendations of local newspaper editors. Work on voter-registration campaigns if they will be helpful (sometimes they can work against you) and help the campaign get your voters to the polls.

During the campaign, make certain the candidates spell out their views on issues dear to your heart. Try to change the views of those who appear to be on the other side. The pressure from voters during a campaign can be intense. Wherever possible, get candidates to commit themselves to your side in writing. Let all the candidates get the notion that your organization packs a large wallop in terms of money, media connections, votes and community leadership.

After the campaign

Congratulate the winner — even those you opposed. (Remember that you will still be trying to get them to see things your way after they take office.) Thank those who have helped you in any way.

Keep a close watch on those elected to make sure they keep their commitments. If necessary, point out to them what they wrote, said and did during the campaign — if these reminders work in your favor.

Remember that electioneering is no longer a seasonal occupation. Political campaigning in California never stops, and the successful pressure group continues to contribute money and participate in the political process all year.

An incumbent is not easy to dislodge, but it can be done and it has a far greater impact than the change of a single vote. Legislators to this day cite the example of the legislator who lost in 1966 supposedly because of his stand on gun control. The entire political community develops respect for the political clout of those who bring about the changing of the guard.

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8: Keeping informed

If a California citizen intends to play a role in guiding the path of state government, it is vital that the individual keep informed about issues as they develop in Sacramento. The meaning of a bill can change overnight. A court decision can cause a legislative crisis that was not anticipated. Almost every year, some issue bubbles to the top of the legislative cauldron seemingly without warning. No citizen can be expected to read all the bills and amendments that are thrown into the hopper each day in Sacramento, even in a limited area of interest. And it is unreasonable to expect every lobbyist to send out daily or even weekly bulletins to every person he or she represents, directly and indirectly. The job of keeping informed is up to every citizen. Unfortunately, that cannot be done by listening to commercial radio and watching commercial television.

The quality and quantity of the reports are insufficient, to put it charitably. Here are the prime sources of information:

- *Daily newspapers* The major California newspapers maintain bureaus in Sacramento and offer daily reports on activities in the Legislature. (They do not provide nearly enough information, however, on the activities of state departments and the regulatory process.) Regular reading of papers like the *Los Angeles Times*, *San Diego Union-Tribune*, *San Francisco Chronicle* and *Examiner*, and *The Sacramento Bee* will provide a good daily background on the Sacramento political and legislative scene.
- *Newsletters* Most organizations with advocacy operations in Sacramento send newsletters on a regular basis to their members and friends. These newsletters and other communications often tell the status of a bill or issue in detail. In many cases, citizen action is requested. Some organizations, such as the League of California Cities, have used newsletters as a means of generating a great many communications to lawmakers on a variety of bills.
- *California Journal* First a disclaimer: This guide is published by the same organization that produces *California Journal*, the monthly analysis of state government and politics. For 17 years this magazine has provided in-depth articles on legislative issues and provides several other valuable tools for citzen-action groups. These include the annual Roster and Government Guide; various election guides; and a regular roll-call section describing how each legislator voted on key measures.

Official publications

For those who desire to keep track of legislation, the Senate and Assembly issue several publications that are extremely useful. They include:

- *Daily Files* The Daily File for each house is an agenda of the day's business. It lists all bills that are ready for debate on the floor and all bills set for hearing in committee. Other information, such as the membership of committees, can be found in the files.
- *Daily Journals* The Daily Journal of each house contains the "true and correct" account of that chamber's proceedings of the previous day, including the titles of all measures debated and the roll calls on all bills. The text of amendments and some messages are also printed in these journals.
- *Histories* Each chamber's Daily History shows the action taken on all measures on the file for that day and all committee actions on bills. A weekly History summarizes all bill-status changes for the week. Each House issues a Final History at the conclusion of each session.
- *Index* At intervals, a Legislative Index is published by the Legislative Counsel. It lists, by subject, all bills introduced and contains tables showing which statutes would be affected by proposed new laws.

Bill-tracking services

In recent years a number of services have sprung up around the Capitol to help groups follow legislation. They range from large, computerized operations like Legi-Tech, Information for Public Affairs and Capitol Information Management to numerous small firms that track a relative handful of bills for a few clients.

9: Action-guide summary

California state government is a complex and large institution. It cannot always be easily moved. The successful practitioner of citizen-action politics must work at the trade and get like-minded individuals to join the effort. Here is a brief summary of the steps that must be taken by an interest group wanting to get something done in Sacramento.

- *Organize* Grass-roots supporters are almost useless unless they organized into an informed fighting force. It does little political good for insurance firms, for instance, to have thousands of employees in the state unless those workers are organized into a pressure group when a bill affecting their livelihoods is being considered in the Capitol. Political-action committees should be formed for more than the collection of money; they should also get the largest possible number of people involved in the political process.
- *Communicate* The organization of hundreds and thousands of individuals into a political force will be almost meaningless unless these people are told what they should do and when. At times, it may take the use of a telephone network for the sounding of an alarm. At other times, a newsletter will do the job. By whatever means, individuals must be told what is happening that could affect them and what they can do to help themselves.
- *Propagandize* The justice of a cause should be sold —and perhaps even oversold — at every opportunity. This means that the problems of an industry, a work force, a hobby group, or other special interest should be brought to the attention of elected officials and the media as often as possible. It is not sufficient to carry on a blitz-like pressure campaign when an issue is hot, mainly because the opposition may be doing the same thing. Getting ideas into the minds of decision-makers is an around-the-calendar operation.
- *Raise money, and spend it well* Nothing gives someone access to a politician like a large campaign contribution. Money can be used for access and to influence votes. Money

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can also be used in large concentrations to help someone assume leadership in one house of the Legislature. It is a powerful weapon in the election of friends and the "unelection" of political enemies.

- *Raise hell* When the chips are down, pull out all the stops. Do whatever you can to create the impression that if a legislator votes against you, he or she will be facing an irate constituency the next time votes are cast. If that impression is created, even those who have contributed large sums of money will find their friends waffling on bills. The combination of money and direct communication at crunch time is usually unbeatable.
- *Say thanks* Remember that many politicians, like the rest of us, have delicate egos that require stroking. Don't forget those legislators who helped you. Thank them repeatedly and keep giving them support. It rarely pays to take your friends for granted and woo your enemies. It does pay to support your friends at the same time you are trying to woo or defeat your enemies. *KEEP ALERT.* Don't go to sleep after the big victory is won. A bill passed today can be amended or rescinded tomorrow. The Legislature is an amorphous, many-headed organism. It bears watching all the time.

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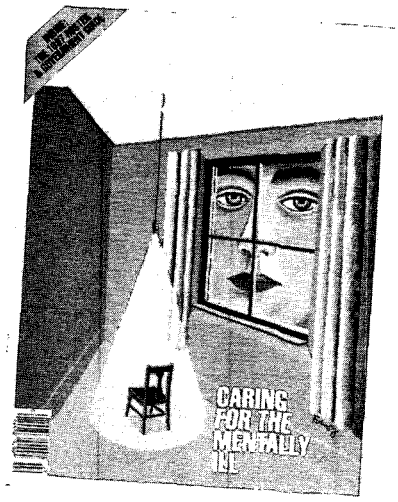

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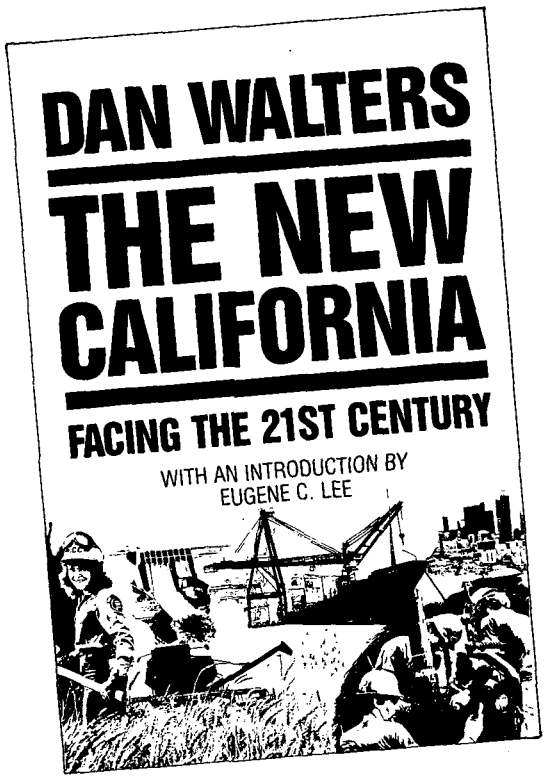

The New California — Facing the 21st Century

by Dan Walters

with an introduction
by Eugene C. Lee

The *Sacramento Bee's* well-known political correspondent, Dan Walters, recently completed a 9000-mile odyssey through California's 58 counties which resulted in a 15-part series in the *Bee*. The articles describe the socioeconomic future of the nation's largest state and the political implications of these trends. This lively and insightful series will be available in book form June 15th. The 180-page book contains numerous charts with detailed political and demographic data. Price: $8.95.

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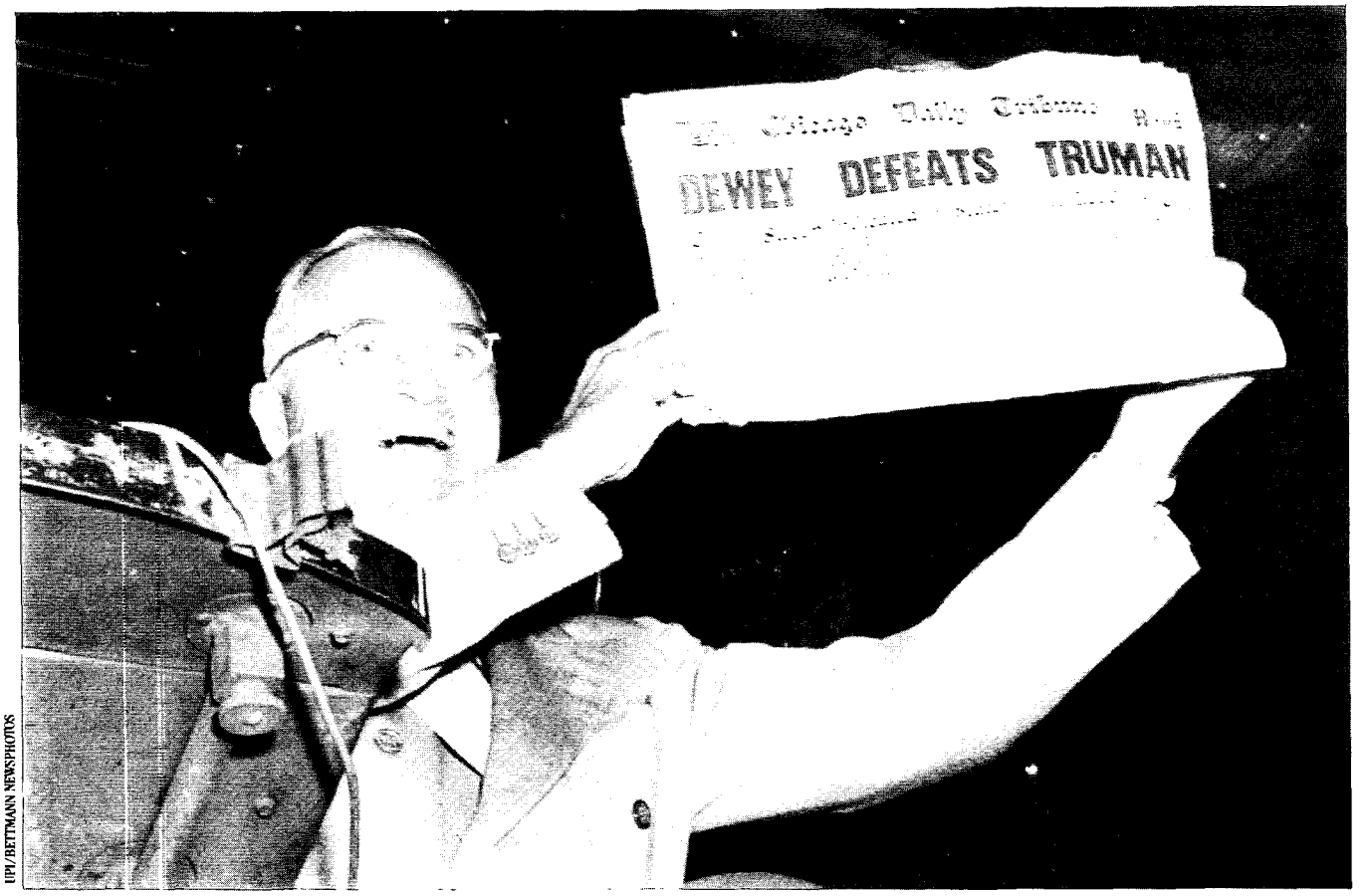

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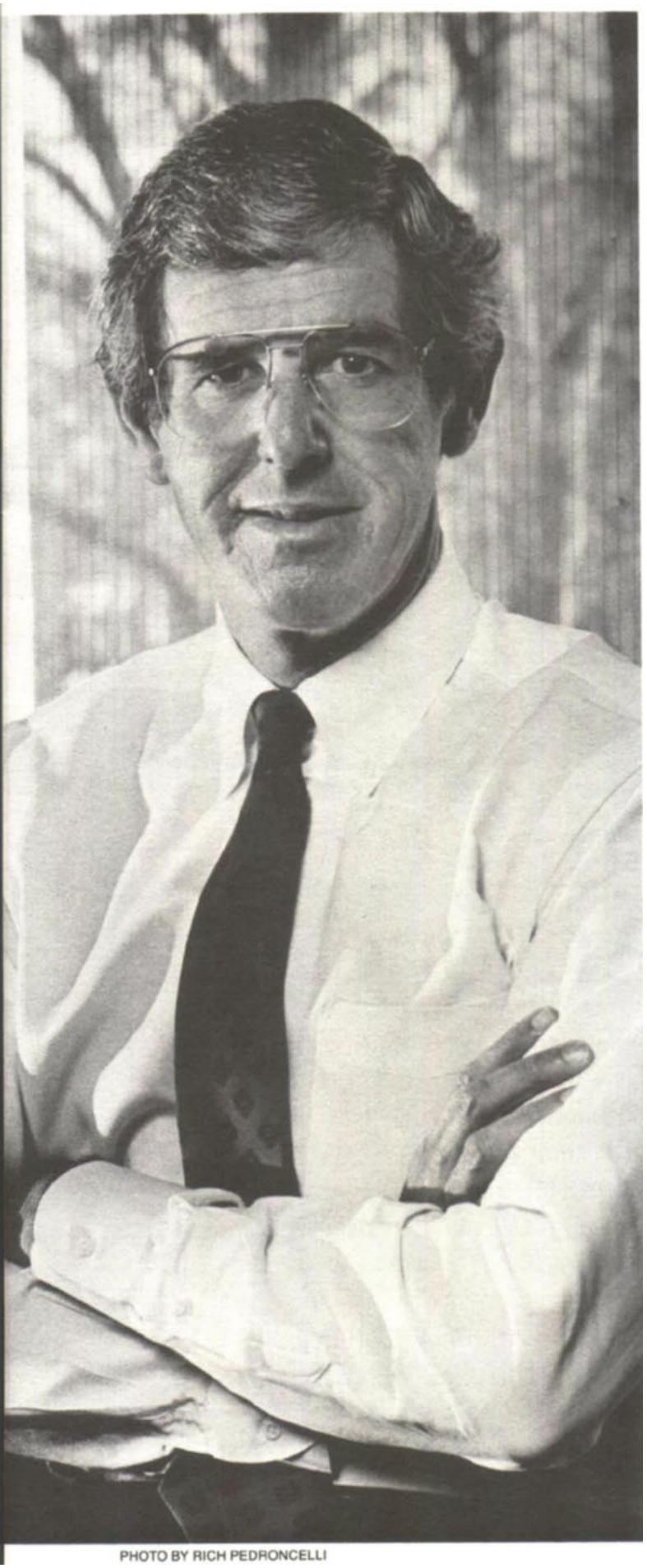

PHOTO BY RICH PEDRONCELLI

Demure Tom Hannigan:

Policy man fills political role

By A.G. BLOCK

One of the parlor games associated with the opening of the 1987-88 legislative session was trying to guess why Assembly Speaker Willie Brown gave the job of majority leader to Tom Hannigan. Hannigan, a demure, self-effacing ex-Marine, seemed the antithesis of the flashy, glib, self-promoting speaker. Not only that, over the past few years Hannigan has been one of Brown's more frequent critics and a man often mentioned as the one legislator with enough stature to one day lead a *coup d' caucus* against Brown's speakership.

One of the other parlor games was trying to guess why Hannigan gave up his chairmanship of the Revenue and Taxation Committee to accept Brown's offer.

The second parlor game is easier to solve than the first.

"We tend to get into ruts as individuals," explains the tall, 46-year-old Democrat from Fairfield. "We tend to go to the same places, talk with the same individuals and, in some cases, develop pretty bad habits."

In the Assembly, Hannigan's "rut" was the rev-and-tax committee which he chaired for the past four years. "My bill load was narrowly focused," he says. "I woke up to the fact recently that everything I was doing was in the tax area, and I want to do things in other areas."

A desire to escape this rut prompted Hannigan to approach Speaker Brown early in 1986 about a job switch. At the time, the Assembly's Democratic caucus was percolating with impending changes that promised to open up other opportunities — namely Speaker pro Tempore Frank Vicencia's decision not

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MAJORITY LEADERS

Enigmatic Barry Keene:

The Senate's foremost Duke-basher

By BRUCE SCHEIDT

At 5:15 every weekday morning the electric coffee grinder kicks into action, its discordant bean-smashing sounds bouncing off the walls in the Benicia home of Senator Barry Keene. The senator awakens to the daily pounding, pours down a cup of coffee, then sets off on a five-mile jog through a nearby state park before driving to Sacramento 60 miles away.

Unlike most legislators who live away from Sacramento, Keene chooses to be home in his district on nights when the Legislature is in session. However tortuous, the 60-mile commute is reflective of the kind of person and legislator Keene strives to be. Although he has worked himself into a position of power as the Senate's majority leader, the 48-year-old lawmaker says he continually struggles not to be "captured" by the Legislature and its accoutrements.

"When I came to Sacramento, people for the first time were laughing at my jokes," Keene says. "I thought, 'Gee, I never knew I was this funny.' And then I realized the people were getting paid to laugh at my jokes, and these people were called lobbyists."

Keene can be an intriguing and mercurial man who is hard to define. While he is aggressively partisan in his role as majority leader, he still has a difficult time resolving personal conflicts, as illustrated by stress-counseling sessions

Continued on next page

Bruce Scheidt is Capitol correspondent for the Bakersfield Californian.

PHOTO BY JIM MAZZUCHI, COURTESY OF SENATOR BARRY KEENE

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he took last year to ease the pressures of his job.

And though he has been in the Legislature 14 years and is popular among his colleagues, Keene remains something of a enigma. A Republican senator describes him as a "loner." Even Senate President pro Tempore David Roberti finds it difficult to name Keene's closest friends.

"Barry is friendly with everyone, not extremely close to anyone," Roberti says. "He doesn't have bosom buddies."

Keene agrees, to a point. "I wouldn't say I'm a loner, but I'm not the most gregarious person," Keene said. Breaking into a small grin, he adds, "Reports that I have given up partying are premature."

While Keene the Man can be a mystery to others, and sometimes to himself, he has a secure reputation as a legislator. Colleagues and lobbyists praise him as precise and scholarly, although also intensely passionate at certain times. He is one of the Legislature's most vocal critics of Governor George Deukmejian — a role that satisfies him.

A mixed district

Divorced and the father of five children, Keene represents a thinly populated district that has been described as a par 5, dog-leg left. It stretches from the redwoods on the Oregon border to the wine country of Sonoma County, then turns eastward to take in Solano County. Covering nearly a third of the California coast, it is 57 percent Democratic, 30 percent Republican.

Although heavily Democratic, the district is considered conservative in voter outlook. At least that's what the Senate Republican leadership thought when it poured about a quarter-million dollars behind the candidacy of Solano County Supervisor Dick Brann. Republicans believed Keene might be vulnerable last year because his voting record is one of the most liberal in the Senate and because he was one of the few legislators to publicly defend former Supreme Court Chief Justice Rose Bird. Brann repeatedly tried to tie the Bird noose around Keene's neck. Keene took the challenge seriously and worked hard, capturing 56 percent of the vote and winning by 31,000 votes.

Though he represents a district more conservative than he, Keene has survived by taking care of his district's two main economic groups — timber and fishing — as well its considerable environmental constituency. That is not an easy chore because the various North Coast interests can collide, as they did last year over a Keene bill to weaken forestry regulations. Environmental groups and commercial fishermen condemned it, concerned with the bill's logging impacts on spawning streams. Keene artfully accepted amendments favorable to fishermen, and when the measure was killed in the Assembly Rules Committee, the Pacific Coast Federation of Fishermen's Associations issued a news release thanking Keene for his "dogged efforts" on behalf of both sides.

Keene also won district votes when he parted company with the rest of the Senate Democratic leadership and supported Governor Deukmejian's bill to site a prison in downtown Los Angeles. Keene did not want to do anything to jeopardize the administration's building a prison in an economically-depressed area of his district.

Keene has some bitter memories from his recent reelection campaign. When four members of the Mendocino County Board of Supervisors publicly endorsed Brann, Democratic Assemblyman Dan Hauser of Eureka, with Keene's approval, sent the supervisors a letter implying there would be reprisals when they asked for legislative favors. Keene said he regrets the threatening tone of the letter, though he thinks it justified.

"The North Coast is not a politically powerful area to push legislation by itself," Keene said. "You have to have a team."

Keene also was annoyed with Brann's insinuation during a campaign debate that he had a drinking problem, and with Brann's references to his "bachelor pad" in Benicia. Angered that Brann laughed at some of his answers during campaign debates, Keene sent his Republican opponent a battery-operated laughing toy after the election — a get-even ploy deeply resented by Brann.

An unhappy childhood

Keene was born on July 30, 1938, in Camden, New Jersey. The son of a factory-worker father and a homemaker mother, he was brought to Los Angeles as a young child of parents who "dreamed the dream of California." It was not a happy childhood, he says, although he declines to talk at length about it. He attended "at least" four high schools.

After graduation he accepted a scholarship at the University of Chicago, in part to get reacquainted with his father who had moved there. After two years he transferred to Stanford University where he received his liberal arts and law degrees. While in college he became drawn to the Kennedy presidency.

"I took very literally, 'Ask not what your country can do for you, ask what you can do for your country,'" Keene said. "Kennedy encouraged openness and invited people into the policy-making process."

He received a Ford Foundation grant to intern under former Assembly Speaker (now-Treasurer) Jesse Unruh who assigned him to analyze bills for what is now the Assembly Public Safety Committee. He later worked as an aide to the Assembly Natural Resources Committee and to the California Constitution Revision Commission. Soon he became more interested in making policy himself than in providing information on which others acted.

"I wanted a vote (in the Legislature)," Keene said. "What I didn't have were sufficient roots."

He began to establish roots by getting married, at age 29, to a woman who had three children from a previous marriage. They had two more during the marriage. "I wanted very much to be part of a family," Keene said. "It was something I did not have as a child."

Shortly after the 1967 marriage he and his bride and adopted children moved to Santa Rosa where they built a house. He landed a job with the Sonoma County District Attorney's Office, starting out with traffic cases and ending up prosecuting felonies. A former deputy public defender in Santa Rosa, Mike O'Donnell, remembers Keene as a "very-well prepared and tough prosecuting attorney (who) pushed hard for convictions and adequate sentences."

O'Donnell's memory collides with the image of Keene as a defender of the liberal Bird court and an opponent of the death penalty. "I don't think he's soft on crime at all," O'Donnell said. "He's very conscious of the constitutional rights of criminal defendants."

Keene left the DA's office, went into private practice; then, in 1968, ran successfully for the Rincon Valley School Board — a political development he compares to "cultivating the soil" for a future run for the Legislature. In 1970 he lost a bid for the Assembly, but his candidacy impressed the late Speaker Bob Moretti enough that he was heavily backed by the Democratic leadership in a second campaign for the Assembly in 1972. When the Republican incumbent decided not to run because of ill health, Keene defeated a local prosecutor in a race that made political history as being the first where legislative candidates spent more than $100,000. He served in the Assembly six years and was appointed chairman of the Assembly Health Committee as a freshman. When Republican Senator Peter Behr retired in 1978, Keene succeeded him.

Keene has carried several major bills that gained national significance, particularly in the area of health. One was a landmark medical malpractice-reform measure in 1975,

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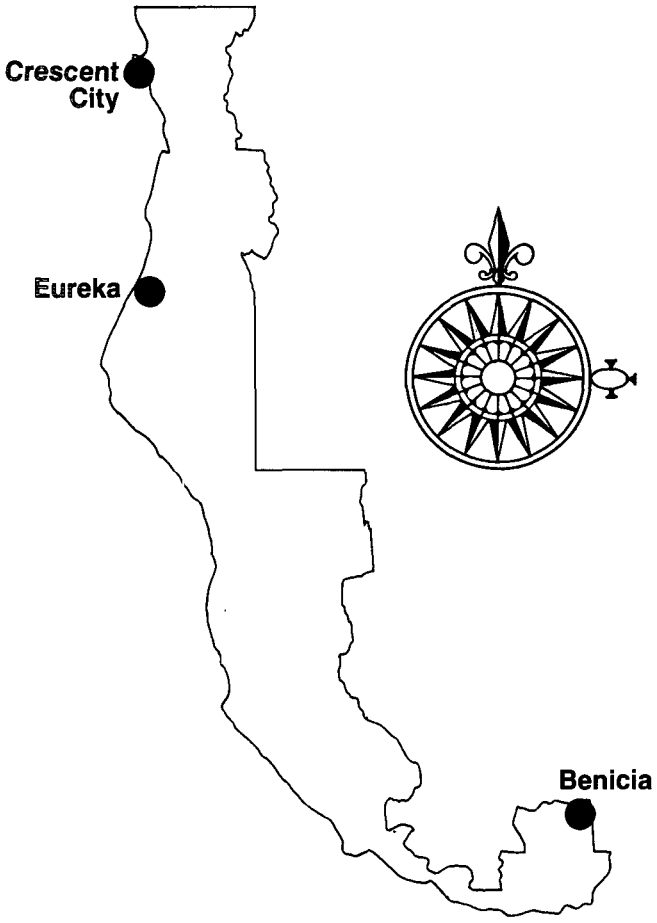

2nd Senate District

called Medical Injury Compensation Reform Act (MICRA). It still is viewed as one of the most sweeping liability reforms ever. Among MICRA's provisions is a limitation on attorneys' contingency fees and a $250,000 cap on jury awards for pain and suffering.

Jay Michael, chief lobbyist for the California Medical Association, said his organization asked Keene to carry the bill because Keene was viewed as a studious lawmaker who understood the details of legislation and considered innovative approaches to problems. "He was then and still is one of the most thoughtful members of the Legislature," Michael said.

Another Keene bill, the so-called "right to die" law which allowed terminally-ill patients to withdraw medical treatment under some circumstances, was condemned in a Vatican newspaper. Keene believes that bill and others fit his legislative portfolio of getting people to think about problems in a different way.

"That's what leadership is — getting people to think about things in a way that is more beneficial to a society as a whole," Keene said.

Keene sought the majority leader's position, then held by fellow Democrat John Garamendi of Walnut Grove, shortly before the end of 1984. Keene says he made his move because Garamendi's ambition to run for governor began to conflict with his caucus duties. As it turned out, Garamendi lost his leadership crown but never ran for the Democratic nomination for governor. "I don't fault him for seeking statewide office, and I regard him as a talented and a very competent individual," Keene said. "However, it did appear to conflict with the agenda of the house. There had already been some expressions of dissensions, and one of the members (Senator Art Torres of Los Angeles) decided to challenge John."

Keene discussed his intention to be majority leader with Roberti who did not object. Keene lined up sufficient support, and — in the face of Roberti's tacit approval for the change — Garamendi stepped down without a caucus vote.

"(Roberti) was concerned with keeping the caucus intact and not having something divisive happen before the election," Keene said.

Keene and Roberti seem more compatible than the pro tem had been with the ambitious Garamendi. "Roberti and Keene have a better relationship without a doubt," observes a Republican senator, "but that's not much of a barometer. Barry is not as self-centered as Garamendi was. Barry largely wants to do good work for the cause."

Keene is no longer as close to Garamendi and regrets the strains in their friendship. "I'm working, and I believe he's working, to recapture and reconstruct as much of our friendship as possible," Keene said. "It was unfortunate there was some breakdown in that during the leadership turnover."

Democrats' cudgel

Keene carries the Senate Democrats' cudgel as the point man in confronting Governor Deukmejian. Within months of his elevation to majority leader he issued a blizzard of negative press releases attacking Deukmejian's policies and vetoes. The steady beat of negative releases marked time like a metronome and elicited some titters from the Capitol press corps. Senate Republican Leader Jim Nielsen claims some legislators were laughing at Keene's critical missives. "So, what's new? Barry has a new negative press release," Nielsen said.

Says Keene, "I felt there ought to be a critique of (the Deukmejian) administration, and no one was doing it. . . . I'm quite prepared to take him on."

As a result, it is not surprising that Keene has become one of the most despised legislators in the governor's office. "Certainly the senator has no standing in our office," Kevin Brett, Deukmejian's deputy press secretary, said of Keene. "Senator Keene has no credibility. He's so predictable. Every statement he makes about this administration is negative and in most cases inaccurate. It seems Senator Keene relishes the role of a hatchet man."

Keene suffered major embarrassment last year when it was disclosed in the press that he used campaign funds to pay for speech-improvement tapes, stress-reduction counseling, luggage for an "Iraq fact-finding trip," Spanish lessons to communicate with Latino constituents, a briefcase to carry papers to his district office, a tuxedo and matching shoes, and reading glasses. Many legislators might have arrogantly avoided any public discussion, but Keene, say those who know him, chafes internally about the correctness of his actions — illustrated by the fact that he felt he needed stress counseling.

Keene publicly issued a lengthy, point-by-point defense in which he explained that his use of campaign funds for putative personal use was appropriate because each was related to his legislative activities. "The only purposes for which I use a tuxedo are political," Keene explained. "As senator and majority leader — not as an individual in private life — I attend numerous formal events." Keene also explained that there was never an attempt to conceal the expenditures — they were reported on campaign statements — and that the campaign funds were first used only after a legislative counsel's opinion was sought. He repaid his campaign with interest.

Keene is emphatic that he has never profited personally from his legislative position. "Quite the opposite," he said. "I have grown poorer." His statement of economic interests

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reveals a legislator of little personal worth. He has no investments and no interests in real estate. Though a lawyer, the only income other than his legislative salary are honoraria, for which he was paid $7252 in 1985 to speak to different trade groups.

Keene can be a tough taskmaster with his staff, and he admits his staff turnover is high. A former legislative aide said, "If there are three people together in the hallway of the Capitol, you can be sure that two are Keene alumni."

"It's a very active office and I demand a lot," Keene said. "Under those conditions, there's a high rate of turnover. I've parted with people who I've had high regard for when the public interest was no longer being served."

Keene says there are other career pursuits he might try, although he is content as a legislator. His philosophy on life is that an individual has 45 years of productive life, with separate 15-year periods devoted to income production, arts and creativity, and public service.

He may have to restructure the formula, because he is going on his 15th year in the Legislature.

Continued from page 144

to seek reelection and Finance and Insurance Committee chairman Alister McAlister's up-or-out race for state controller. Hannigan had no specific role in mind and would have been happy to continue with the rev-and-tax committee, he says. But he also wanted to plant the seed in Brown's mind that, should the speaker contemplate changes, he — Hannigan — was available.

Well, there were changes, and Hannigan benefited. Now, the supreme challenge may be resisting personal change as he tries to incorporate the fund raising and wheeler-dealer caucus politics usually expected of majority leaders with his own tradition as an issue-oriented committee chairman.

That he was eventually offered majority leader did not really surprise Hannigan, even though he was notified of his new role barely 15 minutes before the gavel fell to open the 1987-88 legislative season. He replaced Democrat Mike Roos, who became speaker pro tempore. (The announcement itself came as a shock, however, to the rev-and-tax committee staff which heard the news while listening to the opening session over the Capitol's intercom system. In the Legislature, the change of a committee chairman often means anxious days and weeks for committee staff, which serves at the pleasure of the chairman and is not protected by civil service.)

According to Roos, Hannigan as majority leader was discussed by Assembly Democratic leaders prior to being given the post, although Hannigan himself was never consulted. In fact, Hannigan says, Speaker Brown approached him about the pro tem job but never mentioned majority leader. Hannigan was not interested in pro tem.

Hannigan accepted the majority leader slot without hesitation if not without reservation, for the job plunked him squarely into the middle of Democratic caucus' politics — a place he has avoided during most of his four full terms in the Legislature. Hannigan also accepted the job with only a vague understanding of the majority leader's role in the scheme of legislative government. The speaker referred him to Standing Rule 29 which deals solely with the majority leader's responsibilities during floor sessions. He still didn't have a clue about the total scope of the job.

A half-completed shell

Thus when Hannigan moved into a new but unfinished suite on the third floor of the State Capitol, the office mirrored his perception of the job: a half-completed shell still under construction.

"(The job) is what you frame it to be," says Hannigan. "I'm in the process of framing what I think the job is beyond the actual floor conduct. What I want to do is develop a policy agenda and tailor that with the politics and carry out that agenda with the help of the appropriate committee chairs."

According to several Republican lawmakers, Hannigan's "agenda" will be both liberal and uncompromising. "He's one of the most partisan members of the Democratic caucus," says one member of the Assembly's GOP leadership. "Much more so than Roos. Roos tends to deal with things as they come. Hannigan has a very liberal agenda."

However, Republican leader Pat Nolan welcomes Hannigan. "He is highly respected by everybody in the Legislature," says Nolan. "He's a straight arrow — honest and straight forward."

Nolan says he had a good relationship with Roos and looks forward to the same kind of rapport with Hannigan. "The relative calm in the Assembly is, in large part, due to Mike and I being able to get along. I don't see anything different with Hannigan."

As majority leader, Hannigan plans to approach the job in much the same way as did Roos. Roos was the speaker's personal representative both on and off the Assembly floor, often serving as a lightning rod for grumpy members of the Democratic caucus. Hannigan, too, sees himself as a buffer between Willie Brown and disgruntled Democrats — "The guy in the crosshairs," he says. He also wants to be — as was Roos — a "healer" among disparate factions within the caucus, and he plans to nurture newly-elected Democratic members by helping them develop legislative packages. "I want to do this in an aggressive way and not sit back and wait for them to come to me for help on a bill," he stresses.

Hannigan seems ideally suited as a mentor and healer. He exudes a quiet compassion for people and a thoughtfulness on both issues and the legislative process. Indeed, he seems almost devoid of the often cloying ego that characterizes many of his colleagues.

However, he does not seem suited to perform one of the majority leader's traditional extra-curricular activities — the raising of large amounts of campaign cash. Hannigan hails from a mostly rural, Northern California district and has had virtually no contact with cash-rich Los Angeles. Nor has he ever been under pressure to raise money for his own elections. Hannigan's ability — and willingness — to plunge full-force into the fund-raising game is the biggest question mark concerning his rise to majority leader.

Ice cream politics

Married and the father of three grown children, Hannigan was first introduced to politics as a youngster in his native Fairfield. His father, the late Morgan Hannigan, was a popular merchant who owned an ice cream parlor and soda fountain across the street from the Solano County courthouse. Young Tom often worked behind the counter when local politicos visited the shop after meetings and work sessions. In addition, his father served a stint as Solano County coroner. His association with local politicans over the soda-fountain counter taught him that there was honor and value in public service, Hannigan says.

Hannigan graduated from the University of Santa Clara in June 1962 with a bachelor's degree in business administration. A year later he married Jan Mapes, now his wife of 23 years and principal of the Fairfield-Suisun Adult School. He also enlisted in officer candidate school for the Marine Corps, eventually rising to the rank of captain and serving a nine-month stint in Vietnam.

After his discharge, Hannigan returned to Fairfield where he became a realtor. But he also wanted to "do some-

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thing in the community, to contribute," and this led him to successfully seek an appointment to the Fairfield Recreation Commission.

Four years later, Hannigan was ready for other challenges, and for some "action." He could get action, he thought, on the local planning commission, and he lobbied friends on the Fairfield City Council for an appointment. They nixed him because he was a real estate broker.

Today, Hannigan readily admits that *not* being named to the planning commission spurred his plunge into elective politics; shortly after being rebuffed for a place on the commission, he ran for the Fairfield City Council. Hannigan insists he had no ambition for politics but merely wanted to continue his service to the community. Spending less than $1000 and "benefiting from my father's good name," he emerged as the top vote-getter among 10 candidates for three council seats.

"Had I gotten on the planning commission," he says, "that might have satisfied my desire to serve the community."

Or not, considering that Hannigan seems to have his share of ambition and an occasional need to seek out new challenges. His tenure on the council lasted from 1970 to 1974, when he was elected to the Solano County Board of Supervisors. In 1978 he vaulted to the state Assembly from the 4th District, succeeding Democrat Vic Fazio who had successfully run for Congress.

"Most, if not all, politicians have an abundance of ambition," Hannigan says. "It expresses itself in different ways. It doesn't have to be, for example, running for office all the time. It may be a desire to accomplish something. Since I've been in the Assembly, my ambition has been channeled more into looking for challenging assignments."

The Gary Cooper type

As a member of the Assembly, Hannigan has built a reputation for integrity, thoughtfulness and fairness. He is also known as a leader among a group of Assembly members oriented toward legislative policy rather than the wheeling and dealing associated with Assembly politics — the so-called "progressives" or "reformers." According to one colleague, even the progressives refer to Hannigan as "the cardinal." As a result, he enjoys tremendous stature among his colleagues

"Tom Hannigan is the Gary Cooper type," says Democratic Assemblyman Tom Hayden of Santa Monica, one of Hannigan's closer friends in the Assembly. "He's strong, silent, fair; the kind of person people trust and turn to. When Tom Hannigan speaks, members know they will get considered judgments from someone with no axe to grind."

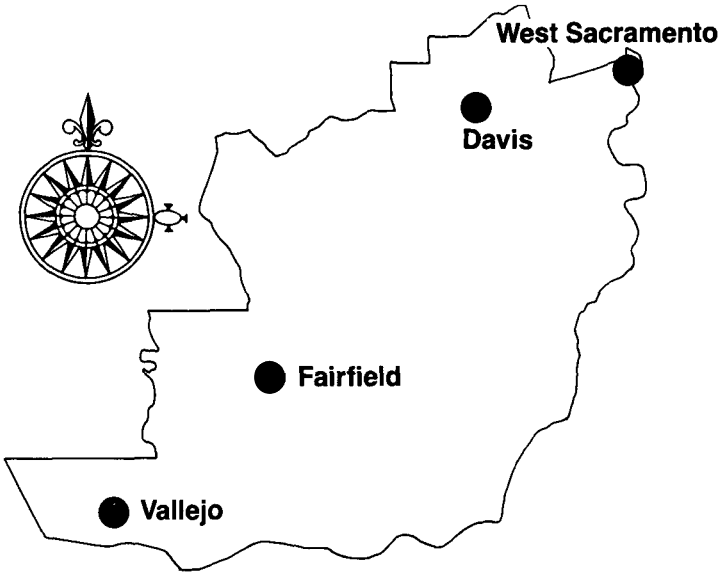
A Republican adversary agrees. "Tom Hannigan is a fair individual," says Assemblyman Dennis Brown of Long Beach, vice chairman of the Revenue and Taxation Committee. "Even though we disagree on issues, he's been easy to work with and very cooperative. We got a fair hearing, and this was his biggest attribute."

Hannigan, however, squirms when his reputation is discussed.

"I guess I'm not comfortable with this notion that I have an integrity that others don't have," he says. "I'm no different than anyone else in this house. If there is a difference, then it's awful easy to be a man of integrity because I don't go around everyday thinking about what I have to do to maintain the reputation."

Which may be a characteristic of genuine integrity. Whether Hannigan is comfortable with the notion of himself as some kind of knight in shining armor, others tend to cast him in that light. And that reputation may have been central to entre into Willie Brown's leadership team.

Only one legislator truly knows why Hannigan was selected. Says Speaker Brown: "I selected Tom Hannigan because of his ability to get along with everyone, because of his comprehensiveness in terms of his knowledge of substance, his capacity for hard work, his knack for diplomacy and because he was willing to accept a thankless task." Brown rejects out-of-hand any suggestion that Hannigan was made majority leader to somehow "sanitize" Brown's leadership team.



4th Assembly District

Several members of that team were tainted by scandal last year, including Vicencia and Roos — the former by a Fair Political Practices Commission finding that he used his office to help clients of his insurance firm without reporting them as clients; the latter by on-going investigations into the legislative affairs of convicted political corrupter W. Patrick Moriarty. Another close Brown ally — former Assemblyman Bruce Young of Norwalk — was recently convicted on five counts of mail fraud stemming from his association with Moriarty.

According to the man Hannigan replaced — Assemblyman Mike Roos — Hannigan was named majority leader because of his seniority and because he "has a clear, precise ability to speak to other members in the caucus, and he is listened to on partisan matters." Roos also says that, although Hannigan has criticized Brown's style of leadership in the past, his loyalty to the speaker is unquestioned, a view seconded by other Democrats. (Hannigan himself denies any ambition to be speaker and says he probably is not cut out to do the job even were he drafted for it after Brown retires.) Roos also denies that Hannigan was moved into a prominent role to help sanitize Brown's leadership team.

However, some Republicans think there was more to naming Hannigan than Democrats are willing to admit. "I think it was a concilliatory move on Brown's part," says Dennis Brown. "There has been a lot of discontent inside the Democratic caucus after last year's elections. Hannigan is perceived as being an unofficial leader among those unhappy with Brown's leadership."

Money, money

One function that both Vicencia and Roos fulfilled as members of the leadership was the raising of substantial amounts of campaign cash for distribution to other members of the Democratic caucus. Hannigan, representing a relatively safe district, has never had to raise a large campaign warchest. But as majority leader, more may be expected from him.

Continued on next page

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"There has not been one word mentioned to me about fund raising," Hannigan says, referring to his mandate, or lack of mandate, from Speaker Brown. "But I recognize that until things change dramatically, we (Democrats) have to continue to raise money. I feel, and have felt, a sense of responsibility to contribute to the caucus."

Now, Hannigan says, he feels he must raise even more — a prospect he finds distasteful. And he isn't sure exactly how he plans to do it. The position itself, he feels, has a fund-raising base but he isn't sure how large.

"I have a limit on what I can do to raise money," he admits. "As time goes on, it's clearer and clearer to me when I'm near that limit. I could not, for example, sit here with somebody and suggest that, whatever happens, there ought to be some financial response to the Democrats. Clearly, I can't get into that."

Hannigan says he's "sensitive" to timely visits by special interests who have legislation pending before the Assembly and won't do legislative business that "in any way involves campaign contributions." On several occasions, he says, he has returned unsolicited contributions because they were too-closely tied to a vote or a hearing.

Hannigan also says he won't tap large contributors from within his 4th Assembly District for money earmarked for statewide distribution to Democratic candidates supported by the Assembly caucus. In fact, Hannigan refuses to distribute statewide any money raised inside his district. Those funds, he says, stay in the district, either for use in his re-election, support for the Solano County Democratic Party or as donations to local candidates he supports.

"I make an effort (to raise campaign money). I hold one third-house fund raiser (for lobbyists) a year," he says. Beyond that, he just doesn't know how — or if — he will be able to raise more.

Political in-fighting

Raising money is emotionally painful for Hannigan, especially making the endless stream of phone calls to remind lobbyists and other potential donors that they have yet to RSVP for his event. He has been able to contribute as much as $80,000 a year to the caucus because he manages whatever money he does raise, spending little on his own campaigns. By comparison, Vicencia usually raised in excess of $300,000 when an active fund raiser (his totals were much lower last year because he did not seek reelection). Roos raised nearly a quarter of a million dollars — most of which was given over to the caucus. Hannigan's total looks meager in comparison.

Republicans don't think Hannigan will be able to cut it as a fund raiser. "He doesn't have the stuff to be a wheeler-dealer fund raiser," says a member of the GOP caucus, a sentiment echoed by other Republicans. "He really despises fund raising. He won't go to the third house. He'll have to do more, but he'll have to compromise to do it."

As majority leader, Hannigan must now engage in another arena that he has found distasteful in the past — the inner machinations of Democratic caucus politics. In 1980 Hannigan had the opportunity to cast one of the most decisive votes in California legislative history — the swing vote in a Democratic caucus deadlocked over its choice for speaker between Willie Brown and then-Assemblyman Howard Berman. Had Hannigan voted for Berman, perhaps Berman — and not Brown — would be speaker today.

Instead, Hannigan took a walk. He chose not to vote at all, a decision which gave the speakership to Brown by default after Brown made a deal with Republicans for the 41 votes necessary to win the office.

"It was the worst year of my life," says Hannigan of the bitter speakership fight, which lasted all of 1980 and involved Berman and then-Speaker Leo McCarthy. (Brown stepped into the fray as an alternative candidate after McCarthy withdrew.) A freshman legislator at the time, Hannigan had committed early to McCarthy and benefited from the commitment with a seat on the Ways and Means Committee and chairmanship of a select committee on veterans' affairs.

But Hannigan says he also suffered from the experience. Not only was he constantly pestered by both sides to either reaffirm his loyalty to McCarthy or switch to Berman, the tension between the Berman and McCarthy camps took much of the fun out of his legislative experience. "It was so distracting," says Hannigan. "You could go into a committee with a bill and not be sure you could get the Berman votes if you were a McCarthyite — and these were fellow Democrats."

In the end, he'd had enough. He says he couldn't vote for Berman because of his long-standing commitment to McCarthy — and wouldn't vote for Brown because of Brown's deal with Republicans. When Brown's name was placed in nomination before the entire Assembly, Hannigan abstained.

Some have characterized his non-vote as evidence that Hannigan is indecisive. Others have said it is evidence that Hannigan's sense of integrity runs deeper than his own ambitions or his loyalty to party politics.

And there is some evidence that Hannigan may not have to become embroiled in party politics, that Brown is positioning others to handle those chores — namely Roos and Assemblyman Phil Isenberg of Sacramento. Isenberg, who is assistant speaker pro tempore and one of Brown's closest allies, recently hired former Assemblyman Richard Robinson of Garden Grove as a $40,000-a-year aide. Robinson, who left the Assembly after last year to wage a losing race against Congressman Robert Dornan, is regarded as a fierce and tenacious political in-fighter. His presence on Isenberg's staff gives a new political dimension to a job that, until this year, had been largely ceremonial.

Roos, too, has recently beefed up the pro tem's staff with veteran political operative John Hendricks as chief of staff and with former FPPC press spokeswoman Lynn Montgomery.

Thus, Hannigan may become a majority leader stripped of two traditional functions of majority leader — fund raising and political deal-making. Thus, Hannigan could become the kind of majority leader Brown wanted all along — a sanitized figurehead.

Hannigan himself seems unworried about these possibilities, mostly because of his long-standing rapport with Willie Brown.

"My relationship with Willie Brown has, for eight years, been a healthy working relationship. When I was first elected to the Assembly, he was chairman of rev and tax and I was vice-chair." Because of Brown's heavy schedule, Hannigan more often than not ran committee hearings.

But a working relationship on the rev-and-tax committee is different than a working relationship that, over the next three years, may affect whether the Democrats continue to control the Legislature — a critical factor as the 1990 elections loom on the not-too-distant horizon. If Republicans are able to take control of the Legislature after those elections, they — and not Willie Brown's Democrats — will also control the Legislature's reapportionment following the 1990 U.S. census.

Ultimately, Tom Hannigan's ability to wield effective influence as majority leader — and maintain respect among his Democratic colleagues — may hinge on his ability to raise money. It is one thing to be thoughtful and sincere. It is quite another to see Democratic Assembly districts slide into the Republican column because there was not quite enough money to defend those districts. As even Hannigan concedes, the money must be raised. And it is the posture in this Legislature that power and influence tend to follow money rather than ideas or sincerity.

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Making money off the state

By WENDY WALSH

State government spends more money in California than does any single business, handling in excess of $50 billion during a given fiscal year. Although the lion's share of that money is spent on its own operations and employees, or those of local governments, billions are handed over to private contractors who work for the state.

These contractors do everything from clean teeth to build highways. They also clean up weapons-research facilities, provide Lotto terminals, give medical care to the poor and elderly, furnish computer equipment and care

Wendy Walsh is a California Journal *intern.*

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THE BIGGEST CONTRACTORS

1. **Delta Dental/California Dental Service** $1.5 billion
   Nine contracts currently providing five years administration and one year of dental services for all MediCal recipients plus a four-year group dental plan for state workers.
2. **EDS Federal Corporation** $678 million
   Administrative and fiscal services for student loans for five years.
3. **Cigna Healthplan of Southern California** $378,762,671
   One contract, covering five years, for a pre-paid health plan for MediCal recipients in Los Angeles, Orange and San Bernardino counties.
4. **Redwood Health Foundations** $363,704,875
   Three, one-year contracts for pre-paid health plans for MediCal recipients in Sonoma, Lake and Mendocino counties.
5. **G Tech Corporation** $200,000,000
   One contract for two central, mainframe computers and 5000 terminals, plus servicing and instruction for Lotto Game.
6. **Tutor Saliba Corporation** $147,115,457
   Three contracts to construct maximum- and minimum-security housing at Folsom Prison and for highway construction.
7. **Pan Am World Service** $140,000,000
   Five years of lab support services for Los Alamos National Laboratory, managed by the University of California.
8. **Control Data Corporation** $134,343,988
   42 contracts with 13 departments to provide installation, removal and maintenance of leased equipment and software.
9. **E.L. Yeager Construction Co.** $128,784,360
   13 highway-construction projects for CalTrans, 1984-86.
10. **Kasler Corporation** $123,486,033
    Seven highway-construction projects for CalTrans, 1984-86.
11. **Pennsylvania Higher Education Assistance Agency** $121,820,000
    One contract for student and parent loans.
12. **IBM** $117,557,004
    68 contracts with 23 departments for leased hardware and software
13. **C.C. Meyers Corporation, Inc.** $113,529,942
    15 highway-construction projects with CalTrans, 1984-86.
14. ***M.C.M. Construction, Inc.*** $109,251,767
    14 highway-construction projects with CalTrans, 1984-86.
15. **United Health Plan/Watts Health Foundation** $102,456,679
    One contract, covering five years, for a pre-paid health plan for MediCal recipients in Los Angeles and Orange counties.
16. **Brutoco Engineering & Construction** $101,181,812
    23 highway-construction projects with CalTrans, 1984-86.
17. **Swinerton & Walberg** $85,172,000
    Five contracts, over four years, to construct housing units at Avenal and Ione prisons, plus a kitchen and individual lockup buildings.
18. **San Diego Imperial Counties Developmental Services** $77,533,981
    Three, one-year contracts to provide testing, assessments, diagnosis and referral services for developmentally disabled.
19. **Family Health Program** $70,078,364
    A pre-paid health insurance plan for MediCal recipients in Los Angeles and Orange counties over six-year term.
20. **Hensel Phelps Construction Company** $69,555,085
    Four contracts for construction of prison buildings in San Diego .
21. **Central Valley Regional Center** $68,484,037
    Seven, one-year contracts to provide services for developmentally disabled.
22. **Inland Counties Regional Center** $66,770,890
    Six, one-year contracts to provide services for developmentally disabled.
23. **Granite Construction** $62,170,407
    82 highway-construction projects with CalTrans, 1984-86.
24. **Regional Center for the East Bay** $61,664,354
    Three, one-year contracts to provide services to developmentally disabled.
25. **Kiewit Pacific Company** $60,750,870
    15 highway-construction projects with CalTrans, 1984-86.
26. **Regional Center of Orange County** $59,712,485
    Four, one-year contracts to provide services to developmentally disabled.
27. **Daley Corporation** $57,498,792
    15 highway-construction projects with CalTrans, 1984-86.
28. **Raisch Construction Company** $54,880,210
    16 highway-construction projects with CalTrans, 1984-86.
29. **A.C.P.I.** $53,076,400
    One contract to furnish and install data-processing equipment for the Department of Developmental Services.

for the developmentally disabled. Competition for a share of the state's largesse can be fierce.

Yet a *California Journal* survey of state contracts reveals that the state has no centralized method for keeping track of those contracts. No one in state government, for example, compiles a list of the largest contractors, nor does anyone keep track of the frequency or type of contracts that are awarded — or extended — outside the normal competitive bidding process.

The largest state contract, totaling $1.5 billion in payments over the past five years, has gone to Delta Dental/ California Dental Service, which provides dental insurance to both state workers and MediCal recipients (see chart). This includes costs for processing claims, prior authorization and services. Delta Dental receives a flat payment from the state and assumes the full risk of providing care. Its most recent contract is for five years' administration of the MediCal program and one year of service. Subsequent service is negotiated each year.

The other Delta Dental contract is for a group dental plan for approximately 80 percent of all state workers, totaling $92 million over four years. Delta Dental, again, pays the providers in this case. This contract is up for rebid in September 1987.

The second largest contract — for $697,857,110 — is between the EDS Corporation of Dallas, Texas, and the California Student Aid Commission. Originally a three-year contract, it has been extended to five years. This provides for administrative and fiscal agent services relevant to the California Educational Loans Programs administered by the California Student Aid Commission. Contract costs include default claim payments paid to participating program lenders by EDS as agent for the commission. The claim payments are reimbursed to EDS by the commission, which in turn receives reimbursement from the U.S. Department of Education.

The contract was set up to provide about $17 million for administrative costs for EDS, with the remainder pass-through funds for student loans. However, EDS also earns interest on this money during a "float" period created by the difference in time it takes for state money to be credited to the EDS account and EDS money to be credited to the accounts of loan providers.

Another company involved in providing student and parent loans for education is the Pennsylvania Higher Education Assistance Agency, ranking tenth on the list. Their contract is with the Student Loan Authority, a branch of the state treasurer's office. They pro-

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vide administrative services for the lender — the Student Loan Authority.

Compiling a list of the largest state contractors is a formidable task. Although the state controller's office keeps track of each payment made under most state contracts, not all the payments are kept in one place. Most general contracts, for example, are kept in a computerized file. But the computer program that keeps this information is archaic and inflexible.

This method works well as an auditing system, making sure that each requested payment is authorized under the provisions of the individual contract. But retrieving information sorted in useful ways is almost impossible. Contracts cannot be sorted by size, for example, nor can individual fiscal years be isolated. As a result of these restrictions, the *California Journal* list was based on the five-year period this computer program has been in use. For contracts kept outside the computer system, other time periods were employed. In addition, the computer program cannot differentiate the original size of a contract from the number and amounts of contract amendments.

This latter shortcoming is significant. While it is unusual for the state to award an initial contract without competitive bidding, once a contract has been let, it is not rare for it to be amended or extended. Those amendments and/or extensions are sometimes many times larger than the original contract and may be granted without calling for new bids. The controller's computer program, in its current form, is not capable of identifying where these amendments occur, in what amounts and for what reasons. As a result, the patterns that develop in contracting procedure for this type of extension are often hidden to the state's fiscal officials.

In addition, some contracts, most notably large construction contracts let by the state Department of Transportation, are not in the computer system at all. They are kept separately, by hand, in indexed files.

Monitors

No one agency has responsibility for monitoring contracting procedures. The controller's office is in charge of making sure that payments are authorized, while the Department of General Services checks to see that proper procedures were followed when contracts were awarded. The Department of Finance has general policy oversight as part of its responsibility for administering the state budget.

Assemblyman Rusty Areias, a Los Banos Democrat who heads the Assembly's Government Efficiency and Consumer Protection Committee, believes a study of state contracting procedures is warranted.

But Nancy Ordway, chief deputy director of Governor George Deukmejian's Finance Department, isn't sure new contract-monitoring procedures are necessary. "I don't see a need to determine who the five biggest contractors are. I don't see any benefit in that."

Individual departments and agencies monitor the contracts they award, Ordway said. She added that "although the information is probably not in a form that makes doing some types of analysis easy, we haven't put it that way because there hasn't been a need for it."

The administration has been seeking to expand the amount of contracting done by the state, in part because of a belief that outside firms can perform some functions more efficiently and in part because of a desire to keep down the state payroll. Some of the administration's past contracting proposals have been criticized in the Legislature and by the Legislative Analyst because they would, in fact, be more expensive than having the work done by state employees.

The procedure for obtaining a contract with the state is outlined in the *California Administrative Manual*. It requires the department desiring to let a contract to advertise in the *State Contracts Register*, requesting either proposals or bids for the goods or services needed. If the amount of the contract is more than $10,000, it must be opened for competitive bid. Exceptions to this rule are made when fewer than three bids come in after advertising; when contracting with another state, the federal government or a local government; or when contracting for legal services. A few departments have hiring criteria in their contract guidelines — affirmative-action policies, for instance — but most departments do not.

Some of the largest state contracts are to provide health services to the state's citizens.

The Department of Health Services maintains 13 prepaid health plans for treatment of those on public assistance and the medically needy. Cigna Healthplan of Southern California is the largest contract — approximately $379 million for five years — and serves 100,000 people. Other prepaid health plans included in this list are Redwood Health Foundation ($168,098,243 since 1973) ranking fourth, United Health Plan/Watts Health Foundation ($102,456,679 for five years) ranking fifteenth, and Family Health Program, Inc. ($70,078,364 for three years) ranking nineteenth.

Construction firms also ranked high on the list with prison and roadway construction contracts taking 13 slots in the top 30. Construction contracts are put out for bid and awarded to the company that most closely meets the specifications of the order, not necessarily to the lowest bidder.

Another group of service providers, appearing more than once on the list, are the non-profit regional centers that provide a variety of services for the 75,000 developmentally disabled throughout the state. Through contracts awarded annually, these private, non-profit, centers receive state money and either provide the services themselves or pay for an outside provider. They are exempted by law from bidding on their contracts, although any new corporation providing these services may apply to the department.

The ranking of these agencies is somewhat misleading based on controller's office records, since these records reflect only the period for which a given regional agency has been operating as a non-profit organization. Those which have been in this status longest have the highest recorded contracts, although they may not be serving the most people.

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Is the Gann lir

By ROB

Paul Gann has been familiar to California's elected officials since 1978 when he and Howard Jarvis teamed up to sponsor Proposition 13 and force a drastic reduction in property taxes and, consequently, in government revenues.

Since 1978, it has been a rare statewide ballot that has not contained at least one proposal by either Gann or Jarvis, usually to the consternation of public officials who have to live with whatever changes or restrictions the initiative might impose.

But it may be that no single proposal of Gann or Jarvis — including perhaps Proposition 13 itself — will have more of a telling impact on the way governments operate than will Proposition 4, a Gann initiative approved by voters in 1979.

The initiative placed into the state constitution a provision limiting the amount of tax revenues state and local governments can spend in any given year to the amount spent during the base year of 1978, adjusted annually for population growth and inflation. Tax revenues received in excess of the legal spending limit must be returned to taxpayers. The Gann limit applies to all levels of state government, including cities, counties and school districts.

In the early years of this decade, inflation was high enough and the annual increase in tax revenues low enough (because the nation was in the midst of a mild recession) to keep the Gann formula from becoming a factor for budget writers to consider.

In 1983, however, the national and state economies took a turn for the better, and inflation slowed down considerably. This combination of events brought many governments perilously close to their spending limits, and some counties even found themselves exceeding them.

State government is closing in on its limit during the current fiscal year, and figures to be close enough during the 1987-88 fiscal year (starting July 1st) that some spending adjustments might have to be made to give the budget breathing room. But, fiscal experts agree, unless the economy goes into a fearsome nose-dive, the Gann limit will force major cutbacks — possibly hundreds of millions of dollars worth — in state programs in 1988-89.

There are four alternatives: ask voters to repeal the limit outright; ask voters to amend the limit either by placing some programs, such as education or highway construction, outside the formula or by changing the formula so that the limit is not as close to current spending levels; employ what state Finance Director Jesse Huff calls "creative interpretations" to delay or diminish the limit's impact; and cut state spending.

Credits and fees

To implement the third alternative, for instance, the state's teachers could be given a state income tax credit next year in lieu of a pay raise. There would still be more money

Robert Schmidt is Capitol correspondent for the Long Beach Press Telegram.

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t unbearable?

CHMIDT

in each paycheck, but no additional government expenditure would be required. (Of course, the less state taxes the teachers pay, the more federal taxes they shell out, but that aspect hasn't been discussed.) Or the state gasoline tax could be declared a "user fee" and therefore not a tax revenue subject to the limit. "Everything depends on how Proposition 4 is interpreted," says Peter Schaafsma of the legislative analyst's office, adding that the initiative is so vaguely written that "a great deal of latitude in those interpretations is possible."

Huff agrees. "Some aspects of the limit allow implementation choices that could lessen the impact," he said, insisting, however, "There will be no attempt on the part of the Deukmejian administration to evade the intent of Proposition 4."

That is a prudent position for Huff, since it was his boss who really wrote the initiative. After voters approved Proposition 13 in June of 1978, then-state Senator George Deukmejian introduced legislation virtually identical to what was to become Proposition 4 a year later. The measure was passed by the Senate but died in an Assembly committee.

Gann thereupon organized an initiative campaign and, with the support of many Democrats who heard the Prop-13 message loud and clear, qualified it for the ballot. At a special election in November 1979, 74 percent of the voters wanted Gann's formula inserted into the constitution. There seems to be general agreement that an outright repeal of Proposition 4, which requires voter approval, is unlikely because Californians appear to want some kind of a harness on government spending.

Gann and Deukmejian, predictably, don't want their idea tinkered with at all, but the pressure to amend it will be intense because some of the state's most powerful special interests, including the education and business communities, are feeling imperiled and want changes made before the threat becomes a reality.

State Senator Gary Hart of Santa Barbara, Democratic chairman of the Senate Education Committee, has already introduced a constitutional amendment (SCA10) to scrap the population growth-inflation formula and replace it with one based on growth in total personal income of Californians. The new formula, Hart contends, would more accurately reflect both true changes in the economy and the impact of those changes on government.

For instance, he said, if personal income increases, state tax revenues go up, but so does the demand for state expenditures. Additional income usually allows more cars to be purchased, and more cars require more street and highway construction and maintenance, and more traffic signals and traffic officers.

State Superintendent of Public Instruction Bill Honig, another critic of the limit, agrees with Hart that personal income would provide a more accurate gauge of the economy than Gann's formula. But, he says, the population growth-inflation formula should be retained as well, with government able to choose which adjustment it will use to gain more

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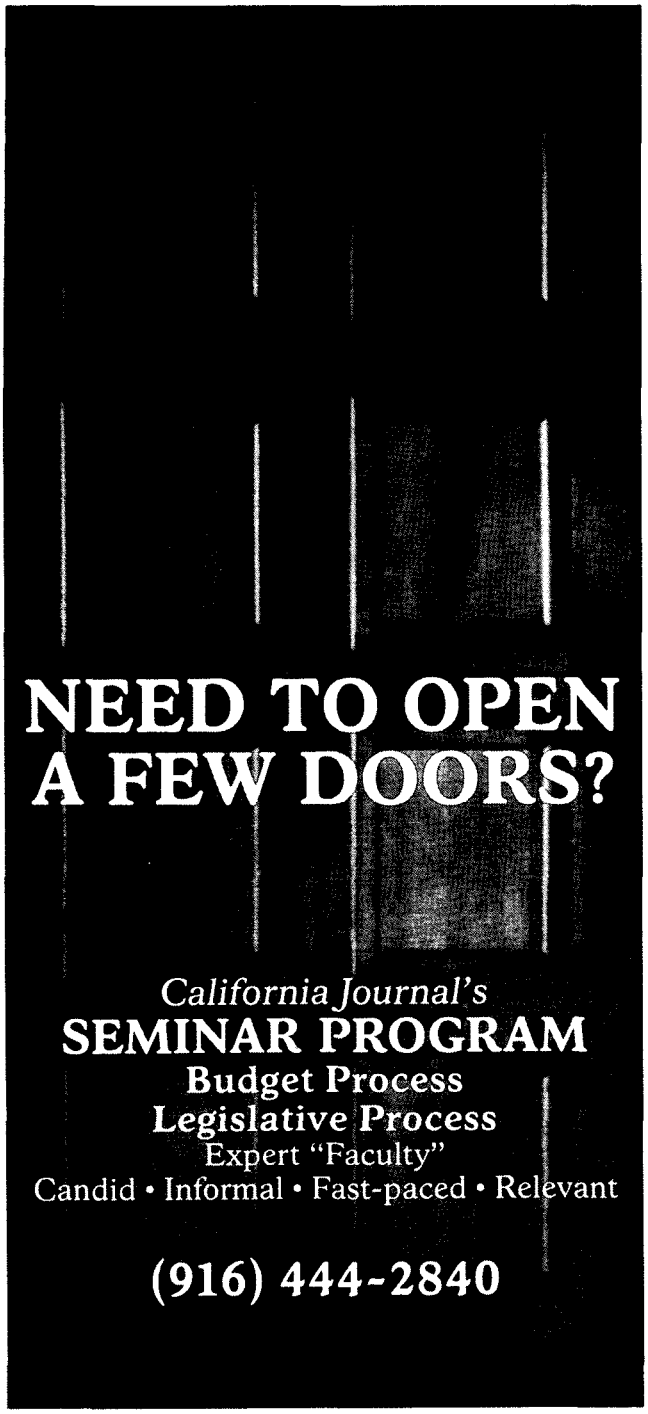

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flexibility in determining how much money is needed and where it is needed.

Honig says he will support Hart's effort to provide a legislative remedy to the problems he perceives with the limit, but he is readying his own initiative campaign as well — just in case. The political consulting firm of Woodward and McDowell, which handled the campaign against Gann's salary-slashing measure last year (Proposition 61), has been approached to handle a Honig-sponsored initiative.

Other measures

Other efforts, both in and out of the Legislature, are also being discussed. Three business interests that supported Proposition 4 in 1979 — the California Chamber of Commerce, California Taxpayers Association, and California Association of Realtors — now are concerned that the limit might threaten highway construction programs and favor exempting those programs.

Even Governor Deukmejian has left the door open for change, saying he opposes any amendments "at this time." But if the governor has left the door open, it is still guarded. Assembly Republicans, says house minority leader Pat Nolan of Glendale, are not about to let the limit be lifted.

"When Proposition 4 was passed, there was bi-partisan agreement that it was necessary to put a lid on spending to force politicians to make the tough choices, to set spending priorities," Nolan says.

Says Assemblyman Bill Baker, a Concord Republican and vice chairman of the Ways and Means Committee: "They didn't have to do that until now, but the same liberals who opposed it in the first place are now pushing for repeal or change so they don't have to make those choices and set those priorities.

"Democrats simply can't say 'no' to educators, doctors and other special interests. But with the limit in place, there comes a time when the constitution says 'no' for them."

"If the voters relax the limit, they'll lose control of government," Nolan says, scorning those elements in the business community who are applying pressure for change.

"Yes, there are some elements in the business community being heard from, including those corporate socialists in Orange County who want to have on-and-off ramps added to freeways for their convenience, but want taxpayers from all over the state to help pay for them," he says. "I think enough Republicans in the Legislature will oppose changing the Gann limit to prevent it from happening."

A constitutional amendment introduced in the Legislature does not require the governor's signature to win a place on the ballot, but it does require approval by two-thirds of the members of each house, and so no proposal for change can make it to the ballot without the votes of at least 10 Republicans in the Assembly. (There are 44 Democrats in the Assembly — assuming former Assemblywoman Gloria Molina, elected to the Los Angeles City Council in February, is replaced by a Democrat).

There are 23 Democrats in the Senate, where 27 constitutes two-thirds of the 40-member house. Meanwhile, sort of lost in the dust kicked up by the big political names taking sides on the issue is Gann himself.

"Proposition 4 allows for changes, with voter approval," the 74-year-old activist says. A report prepared by the California Taxpayers Association seems to bear him out.

Since 1980 voters have been asked 189 times by special districts, cities and counties to cast ballots on issues affecting the spending limit. Only twice were the measures sponsored by government turned down.

"I think the voters knew what they were doing when they approved Proposition 4," Gann says, "and I think they realize that unlimited government spending simply can't be allowed.

"Look at education," he said. "The United States spends

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more of its gross national product on education than either Japan or West Germany does, but does anyone suggest that our schools are turning out better students?

"When CalTrans (the state Department of Transportation) was building Interstate 5, it had 8000 employees. Interstate 5 is finished, so now there are 16,000 employees, and we're told that if we want to build freeways again, we've got to hire more employees.

"Government, all levels of government, took 21 percent of our gross national product in 1950. It took 31 percent in 1970, and this year about 35 percent of the GNP will be required to pay for government. By the year 2000, it will be more than 50 percent. Our taxpayers are willing to make the commitment, but the bureaucracy is not doing its job. When are we going to take advantage of all this new technology and become more efficient?"

Gann says Senator Hart himself provides one of the more telling arguments in favor of retaining the limit. "If the Gann limit had gone into effect in 1950 instead of 1979," Hart said when he introduced SCA10, "the limit on state and local spending would be approximately one-third of what it is now and the total budget less than one-half of our present level."

That, says Gann, is the whole idea. Voters are likely to hear Gann's arguments in support of Proposition 4 and the arguments of Hart, Honig and other critics of the measure, probably in tedious variation, over the next year or so, because it seems certain that an effort will be made to place the issue of a government spending limit once again on a statewide ballot.

And the people will once again have the opportunity to decide between the arguments and determine what kind of government they want; which is, after all, the way the system is supposed to work.

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WASHINGTON PERSPECTIVE

By LARRY LIEBERT

The Burton legacy

"The death of Sala Burton," said Representative George Miller of Martinez, "brings down the curtain on a family and on an era."

IT WAS NO SURPRISE that 61-year-old representative Sala Galante Burton of San Francisco died of colon cancer on February 1st in a hospital room here. Despite her best efforts to conceal the details of her illness from the voters who re-elected her by a landslide last November, it was widely-known that she had been gravely ill for months.

Yet there was a certain shock in her passing because of what the Burton name long had meant in California politics. She represented the last vestiges of a once-powerful Democratic political organization that friends considered a noble alliance and enemies portrayed as a power-hungry machine.

Organized labor, racial minorities and staunch liberals were the core constituencies of the Burton alliance that annointed candidates in overwhelmingly Democratic San Francisco and mediated local disputes. The glue that held it together in the 1960s and '70s was Phillip Burton's bombastic personality. A bear of a man, as brilliant as he was blustery, Burton was one of the dominant figures in California and national Democratic politics until his sudden death in 1983.

His legislative legacy was highlighted by improved welfare benefits for the poor and by the creation of vast new parklands in his state. His political legacy, the ultimate creation of his skill and his hubris, was in the blatant gerrymandering of the state's congressional districts that he dictated to favor Democrats after the 1980 census.

With the lilting accent of her native Poland and a passionate commitment to traditional liberal concerns for the underprivileged, Sala Burton was an imposing figure in her own right. When Phillip was alive, she was his full partner and one of the few people who could tame his fierce and vindictive temper.

"She and Phil each had an edge, soft and hard," recalled Representative Vic Fazio, D-West Sacramento. "Together, they were unbeatable."

Alone, in her four years in Congress, Sala Burton had few legislative accomplishments to rival those of her beloved Phillip. In California politics, she made little pretense of holding together his worn and outdated alliance.

Her real role was as the keeper of her husband's flame.

"It will be the first time in two decades that San Francisco will not be represented by a Burton," said Representative Barbara Boxer, who represents Marin County and part of San Francisco.

Boxer was herself elected, with the blessings of the Burton machine, to succeed Sala's brother-in-law John Burton. He quit Congress in 1982, then conquered a drug habit he attributed partly to the pressures of the legislative arena that his brother so savored.

Well before Sala Burton's death, her family's clout in statewide politics had been supplanted. In Los Angeles, the organization headed by Representatives Henry Waxman and Howard Berman has developed computerized multimillion dollar campaign mailings that make the old Burton "slate cards" look primitive.

Others, like House Majority Whip Tony Coelho of Fresno, advanced in the House leadership where Phillip Burton once made his mark nationally.

The changing face of San Francisco, meanwhile, had made the old Burton organization all but irrelevant. Big labor counted for less in a city where office towers filled with yuppies had replaced longshoremen and factory workers. Blacks, who had voted as a bloc for the Burton organization candidates, shared the city's minority precincts with Asians and other "new" minorities of less stable political allegiances.

Just days before she died, Sala Burton attempted a final act in the Burton family tradition — to dictate her successor from her deathbed.

She issued a statement endorsing Democratic Party activist Nancy Pelosi. A bright, attractive and wealthy veteran of Democratic fund-raising drives at the state and national level, Pelosi was a fitting successor in several ways.

Like the Burtons, she had politics in her blood. She was the daughter and the sister of mayors in her native Baltimore. She was also virtually "family" to Sala Burton. They had grown close after one of Pelosi's daughters had served as an intern in Burton's congressional office.

But Pelosi is virtually unknown to the average voter in Burton's Fifth Congressional District, and many might be put off to have a stranger foisted upon them as the annointed candidate of the local Democratic establishment.

Far from frightening off opponents, Pelosi's candidacy seemed to spark others to jump into the race. Lame duck Mayor Dianne Feinstein even publicly pondered running for the seat for a day or two.

Now one of Pelosi's prime opponents is expected to be Harry Britt, the openly-gay member of the city's Board of Supervisors. With gays expected to total as much as a fourth of the vote in the April special election, the liberal Britt has a solid base on which to build. His challenge to Pelosi seems somehow appropriate because gays had been a belated, and sometimes uneasy, addition to the Burton alliance.

"THIS IS GOING TO DIVIDE people in this city for ten years," predicted one Democratic strategist. "It isn't going to be a pretty race," agreed another.

The wide-open, fractious contest for the seat that once "belonged" to the Burton family may be the surest sign of all that their era has ended.

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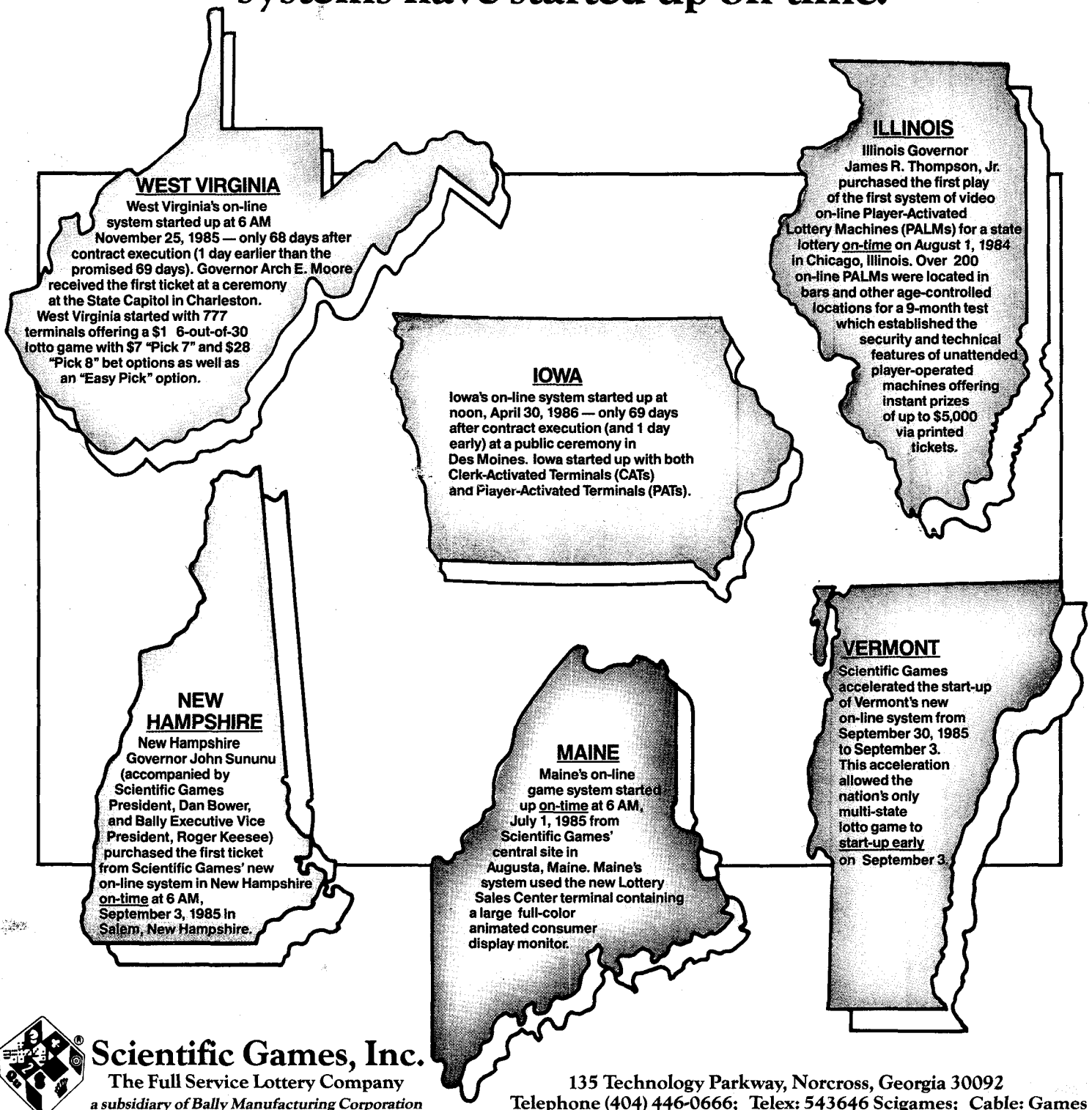

WEST VIRGINIA

West Virginia's on-line system started up at 6 AM November 25, 1985 — only 68 days after contract execution (1 day earlier than the promised 69 days). Governor Arch E. Moore received the first ticket at a ceremony at the State Capitol in Charleston. West Virginia started with 777 terminals offering a $1 6-out-of-30 lotto game with $7 "Pick 7" and $28 "Pick 8" bet options as well as an "Easy Pick" option.

ILLINOIS

Illinois Governor James R. Thompson, Jr. purchased the first play of the first system of video on-line Player-Activated Lottery Machines (PALMs) for a state lottery on-time on August 1, 1984 in Chicago, Illinois. Over 200 on-line PALMs were located in bars and other age-controlled locations for a 9-month test which established the security and technical features of unattended player-operated machines offering instant prizes of up to $5,000 via printed tickets.

IOWA

Iowa's on-line system started up at noon, April 30, 1986 — only 69 days after contract execution (and 1 day early) at a public ceremony in Des Moines. Iowa started up with both Clerk-Activated Terminals (CATs) and Player-Activated Terminals (PATs).

NEW HAMPSHIRE

New Hampshire Governor John Sununu (accompanied by Scientific Games President, Dan Bower, and Bally Executive Vice President, Roger Keesee) purchased the first ticket from Scientific Games' new on-line system in New Hampshire on-time at 6 AM, September 3, 1985 in Salem, New Hampshire.

MAINE

Maine's on-line game system started up on-time at 6 AM, July 1, 1985 from Scientific Games' central site in Augusta, Maine. Maine's system used the new Lottery Sales Center terminal containing a large full-color animated consumer display monitor.

VERMONT

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